GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT.

SUPPLEMENT

TO THE

LOWER PROVINCES CODE:

CONTAINING THE

UNREPEALED ACTS OF THE GOVERNOR GENERAL IN COUNCIL RELATING TO THE LOWER PROVINCES, FROM MAY, 1879, TO JANUARY 1882,

ACTS OF THE LIEUTENANT GOVERNOR OF BENGAL IN COUNCIL, FROM JANUARY, 1880, TO APRIL, 1881,

AND

ACTS OF THE GOVERNOR GENERAL IN COUNCIL AND REGULATIONS UNDER THE STATUTE 38 VIC, C 3, APPLYING TO ASSAM.

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SUPPLEMENT

TO

THE LOWER PROVINCES CODE.

PART I:

THE UNREPEALED ACTS OF THE GOVERNOR GENERAL IN COUNCIL RELATING TO THE LOWER PROVINCES FROM MAY, 1879, TO JANUARY, 1882.

ACT No. IX OF 1879.

Received the Governor General's assent on the 23rd of May, 1879.

An Act to amend the law relating to Coast-lights in the eastern part of the Bay of Bengal.

Preamble.

WHEREAS it is expedient to increase the coast-light dues paid under the provisions of Act No. XIII of 1867 *(An Act to provide for the establishment and maintenance of Coast-lights in the eastern part of the Bay of Bengal)*, and to render chargeable with coast-light dues certain vessels which are not now so chargeable, It is hereby enacted as follows.—

Preliminary

Short title.

1 This Act may be called "The Burma Coast lights Act, 1879".

Commencement.

It shall come into force on the first day of July, 1879;

Local extent.

and it shall extend to the territories respectively administered by the Governors of Fort St George and Bombay in Council, the Lieutenant-Governor of Bengal and the Chief Commissioners of British Burma and the Andaman and Nicobar Islands.

But nothing herein contained shall apply to any vessel belonging to or in the service of Her Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State.

Repeal

2 Act No. XIII of 1867 *(to provide for the establishment and maintenance of Coast lights in the eastern part of the Bay of Bengal)* is hereby repealed

But any appointment made under the said Act shall be deemed to have been made under this Act

Interpretation clause

3 In this Act, unless there is something repugnant in the subject or context,—

"Customs Collector"

"Customs-Collector" means a Customs-Collector appointed under the Sea Customs Act, 1878, and includes any person appointed by the Local Government by name or in virtue of his office to discharge the functions of a Customs-Collector under this Act at any port

"Vessel"

"Vessel" includes anything made for the conveyance by water of human beings or of property

"Master"

"Master," when used in relation to any vessel, means any person (except a Pilot or Harbour-Master) having, for the time being, the charge or control of such vessel

"Voyage"

"Voyage" means the whole distance between a vessel's place of departure and her final place of arrival, but the return of a vessel from any place shall, notwithstanding the terms of any charter-party, be deemed a distinct voyage

Coast-light Dues

Coast light dues payable in respect of vessels of fifty tons

4 For the purpose of establishing and maintaining coast lights in the eastern part of the Bay of Bengal, a toll, hereinafter called "coast-light dues," shall be paid in respect of every vessel of the burden of fifty tons and upwards making any voyage mentioned in the schedule hereto annexed, at the rate of one anna and six pie per ton of burden

Provided that such vessel sails from or enters during the course of, or at the termination of, any such voyage a port in British India, or takes in, or discharges, cargo off the coast of British India.

Dues when payable

5 The said coast-light dues shall become due and payable—

(*a*) in the case of a vessel clearing out of a port in British India upon any such voyage—previous to the grant of any port clearance,

(*b*) in the case of a vessel entering a port in British India in the course, or at the termination, of any such voyage—immediately upon her entering such port:

Provided that the said dues shall not be levied more than once on any vessel in the course of the same voyage

Power to vary rates of dues

6 The Governor General in Council may from time to time, by notification in the *Gazette of India*, reduce or raise the rate of coast-light dues in respect of all vessels or any particular class of vessels

Provided that such rate shall not in any case exceed the rate fixed by section four. Proviso.

7 The Customs-Collector shall collect the coast-light dues, Collection of dues

and shall grant to the person paying the same a voucher in writing under his hand, setting forth the name of his office, the port at which the coast light dues are paid, the amount so paid, the name, tonnage and other proper description of the vessel in respect of which such payment is made, and the voyage on which she is or has been bound Voucher to be given

8. Within twenty-four hours after the arrival within a port of any vessel chargeable with coast-light dues, the master of such vessel shall give notice of such arrival to the Customs Collector Master to report arrival

9 In order to ascertain the tonnage of any vessel chargeable with coast-light dues, the following rules shall be observed — Tonnage of vessel chargeable with coast light dues how ascertained

(*a*) If such vessel be a British registered vessel or a vessel registered under Act No X of 1841 or Act No. XI of 1850, or under any other law for the time being in force for the registration of vessels in India, the Customs-Collector may require the owner or master of such vessel, or any other person having possession of her register, to produce such register for inspection. If any such owner, master or other person neglects or refuses to produce such register, or otherwise to satisfy the Customs-Collector as to what is the true tonnage of the vessel in respect of which such coast-light dues are payable, he shall be punished with fine which may extend to one hundred rupees, and the Customs-Collector may cause such vessel to be measured and the tonnage thereof to be ascertained, and in such case the owner or master of such vessel shall also be liable to pay the expenses of such measurement. If registered

(*b*) If such vessel be not a British registered vessel or a vessel registered under Act No. X of 1841 or Act No XI of 1850, or under any other law for the time being in force for the registration of vessels in India, and the owner or master thereof fails to satisfy the Customs-Collector as to what is her true tonnage according to the mode of measurement prescribed by the law in force for the time being for regulating the measurement of British registered vessels, the Customs-Collector shall cause such vessel to be measured and the tonnage thereof, according to the mode aforesaid, to be ascertained; and in such case the owner or master of such vessel shall be liable to pay the expenses of such measurement If not registered

10 If the master of any vessel refuses or neglects to pay to the Customs-Collector on demand by him the amount of any dues or expenses payable in respect of such vessel under this Act, the Customs-Collector may distrain or On refusal to pay dues or expenses the Collector may distrain and sell

arrest such vessel, and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount of such dues or expenses is paid,

and in case any part of such dues or expenses, or of the costs of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest so made, the Customs-Collector may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such dues, expenses and costs (including the costs of sale) remaining unpaid, and shall render the surplus (if any) to the master of such vessel upon demand

No port clearance to be granted until dues &c, are paid

11. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such port-clearance until her master or some other person has paid, or secured to the satisfaction of such officer, the amount of all dues, expenses and costs with which such vessel is chargeable under this Act, and of any fine to which any person is liable for anything done by him in contravention of this Act.

Master to specify on demand voyage on which vessel is bound

12 The master of any vessel departing from or entering any port in British India upon, or in the course of, or at the termination of, any voyage, shall, upon the demand of the Customs-Collector, specify upon what voyage she is or has been bound.

Penalty for evading payment of dues &c

13 If the master of any vessel evades, or attempts to evade, the payment of any coast-light dues, expenses or costs payable in respect of such vessel under this Act, he shall be punished with fine which may extend to two hundred rupees.

Determination of Disputes under Act

Magistrate to decide disputes

14 If any dispute arises as to whether any vessel is chargeable with any coast-light dues, expenses or costs under this Act, or as to the amount of such dues, expenses or costs, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined in the towns of Calcutta, Madras and Bombay by a Presidency Magistrate, and elsewhere by any Magistrate exercising at the place where the dispute arises powers under the Code of Criminal Procedure not less than those of a Magistrate of the second class All decisions under this section shall be final

Prosecutions under other Laws.

Saving of prosecutions under other laws

15 Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act provided that no person shall be punished twice for the same act or omission.

Statement of Receipts and Expenditure

16 The Governor General in Council shall, on or before the first day of October in each year publish in the *Gazette of India* a statement showing the amount received on account of coast-light dues during the year ending on the thirty first day of March last preceding and the amount expended during the same period on the establishment and maintenance of coast-lights in the eastern part of the Bay of Bengal

Statement of receipts and expenditure to be published

AND whereas it is also expedient to amend the Indian Ports Act, 1875, in manner hereinafter appearing: It is hereby further enacted as follows —

17 For section 77 of the same Act, the following shall be substituted —

Amendment of Indian Ports Act 1875

"77 The port-due leviable under this Act in either of the ports of Maulmain and Bassein shall, to the extent of one anna and six pie per ton, be applicable in the first place to defray the expenses of maintaining the existing port-lights of British Burma"

Application of Maulmain and Bassein port-dues

SCHEDULE

(*See section 4*)

1 A voyage to or from Chittagong or any place west of the longitude of Chittagong—	(*a*) from or to any port in British Burma or (*b*) from or to any port in the Andaman and Nicobar Islands or any place east of the longitude of Mergui by a course passing between the northern extremity of the Andaman Islands and the coast of British Burma.
2 A voyage to or from any port in British Burma—	from or to any other port in British Burma except voyages to or from Maulmain from or to Tavoy or Mergui, or to or from Tavoy from or to Mergui
3 A voyage to or from Rangoon and any port in British Burma west of the longitude of Rangoon—	from or to any place east of the longitude of Mergui.
4 A voyage to or from any port in British Burma other than Tavoy and Mergui—	from or to any port in the Andaman and Nicobar Islands

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ACT No XIX OF 1879

Received the Governor General's assent on the 29th of October, 1879

An Act to amend the law in force in Thanas Raipur and Khattra

WHEREAS the territory comprised in the thana of Raipur (including the

Preamble

independent police outpost of Simlapal) and the thana of Khattra has been transferred from the district of Mánbhum to the district of Bankura,

And whereas the said territory, when included in the district of Manbhum, formed portion of the Chutiá Nágpur Division, which was a scheduled district under Act No XIV of 1874 (the Scheduled Districts Act, 1874),

And whereas it is expedient that the law in force in the said territory should be the same as the law in force in the district of Bankúra, It is hereby enacted as follows —

Short title

1 This Act may be called "The Raipur and Khattra Laws Act, 1879"

Commencement

and it shall come into force at once

Laws of Bankúra to apply

2 All enactments which on the first day of October, 1879, were in force in the district of Bankúra and not in the said territory shall be deemed to have come into force in the said territory on that day, and all enactments which on that day were in force in the said territory and not in the district of Bankura shall be deemed to have been repealed on and from that day in the said territory

Other laws repealed

Pending proceedings

3 All proceedings commenced before any authority in the said territory before the said first day of October, 1879, and still pending shall be disposed of by such authority as the Local Government may direct and, save as aforesaid, shall be carried on as if this Act had not been passed

Territory to cease to be a scheduled district

4 The said territory shall be deemed to have ceased to be a scheduled district on the said first day of October, 1879

ACT No VI OF 1880

Received the Governor General's assent on the 2nd of March, 1880

An Act to amend the law relating to the licensing of trades and dealings

Preamble

WHEREAS it is expedient to amend the law at present in force for the licensing of trades, dealings and industries in certain parts of British India, It is hereby enacted as follows —

* * * * * * * * *

Trade &c carried on in various parts of British India

19 When any person is engaged in any trades, dealings, industries or callings in two or more of the local areas to which the several Acts hereby amended and the Bengal License Act for the time being in force respectively extend, and is thereby liable to pay fees under two or more of such Acts, he shall, if the Governor General in Council so directs, be chargeable with a fee only under such one of those Acts as the Governor General in Council may

direct, and the amount of such fee shall be calculated as if he was engaged in all such trades, dealings, industries and callings within the local area to which such Act applies

A direction under this section may be given by general rule or special order

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ACT No VII OF 1881

Received the Governor General's assent on the 21st of January, 1881

An Act to amend Bengal Act No. IX of 1880 (the Cess Act, 1880)

WHEREAS it is expedient to amend Bengal Act No. IX of 1880 (the Cess Act, 1880), It is hereby enacted as follows —

Preamble

1 In the said Act, after section sixty-four, the following sections shall be inserted, and shall be deemed to have been so inserted on and from the date on which such Act came into force :—

Amendment of Bengal Act No IX of 1880

"64A All sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation

Holders of estates &c, how to recover from holders of rent free lands.

"Provided that, if any such objection as is mentioned in section 53 has been made before the Collector, no proceedings shall be commenced, and no proceedings which have been commenced shall be continued, for recovery of cess in respect of the lands which are the subject of such objection, until such objection shall have been disposed of by the Collector

"64B In every suit for the recovery of any such sum, the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof, and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer"

Owner holder or occupier of rent free lands may be sued

Decree against occupier tantamount to decree against owner

ACT No XIII OF 1881

Received the Governor General's assent on the 12th of March, 1881

An Act to provide for the better government of Fort William

Preamble

WHEREAS it is expedient to give power to make rules for the better government of Fort William in Bengal and to provide for the establishment of a Court within the said Fort for the trial of persons charged with breaches of such rules, It is hereby enacted as follows —

Short title

1 This Act may be called "The Fort William Act, 1881,"

Commencement

and it shall come into force on the first day of April, 1881

But nothing herein contained shall be deemed to confer jurisdiction over any persons (other than artificers, labourers, sutlers and followers) to whom the Army Discipline and Regulation Act, 1879, or the Indian Articles of War, 1869, is or are applicable

The Fort

2 The Governor General in Council may, from time to time, by notification in the *Gazette of India*, define, for the purposes of this Act, the limits of Fort William in Bengal, and in this Act the expression "the Fort" means the area so defined

Commander in Chief may make rules

3 The Commander-in-Chief in India may, from time to time, with the sanction of the Governor General in Council, make rules, to be in force within the Fort, in regard to the matters specified in the schedule hereto annexed and other matters of a like nature, and may by such rules prescribe, as penalties for the infringement thereof, fine which may extend to fifty rupees, or imprisonment for a term which may extend to four days, or both

When a sentence of fine is passed under any such rule, the term for which the Court directs the offender to be imprisoned in default of payment of such fine may extend to, and shall not exceed, four days

When any rule is made under this section, a copy thereof, in English and such other languages as the Governor General in Council may from time to time direct, shall be exhibited in such conspicuous places within the Fort as the officer commanding the Fort may from time to time direct

Governor General in Council may invest officer with power to try breaches of rules

4 The Governor General in Council may invest any commissioned officer in Her Majesty's Army with power to try persons charged with any infringement of the rules made under section three

The officer so invested is hereinafter called the Fort Magistrate

Procedure to be followed

5 In all cases under this Act, the Fort Magistrate shall, except as herein otherwise provided, exercise within the Fort the powers, and, as nearly as may be, follow the procedure, conferred on, and prescribed for, a Presidency Magistrate by the Presidency Magistrates Act, 1877, and, subject to the power

conferred by the High Courts Criminal Procedure Act, 1875, section 147, every finding, sentence or order of such Magistrate under this Act shall be final

6 Any police-officer, or any other person empowered in this behalf by the Governor General in Council, by name or as a member of a specified class, may arrest without warrant any person who in his sight commits an offence punishable under this Act.

Power to arrest without warrant

Every person so arrested shall be taken to the police-station within the Fort, and shall be detained there until he gives to the Police-officer in charge of such station a bond, with or without sureties, as such officer may require, for a sum not exceeding one hundred rupees, to appear before the Fort Magistrate at a time to be specified in such bond, or until he can be brought before such Magistrate.

Power to Police-officer to release on bail

7 Nothing in this Act or in any rule made hereunder shall affect the jurisdiction of the Magistrates appointed under the Presidency Magistrates Act, 1877, or shall prevent any person from being prosecuted under any other law for any offence punishable under this Act, or from being liable to any other punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

Jurisdiction of Presidency Magistrates and prosecutions under other laws saved.

8 No prosecution for any offence under this Act shall be commenced after the expiration of three months next after such offence has been committed.

Limitation of time for prosecutions under Act

9 All penalties heretofore imposed by the Garrison Quarter Master of the Fort for offences against garrison rules and regulations shall be deemed to have been imposed in accordance with law.

Validation of penalties heretofore imposed by Garrison Quarter Master

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THE SCHEDULE.

(See section 3.)

(1). Throwing dirt or rubbish of any description into the drains or roads or anywhere but in the appointed places.

(2). Removing night-soil without a covering or at unauthorized hours.

(3). Camp-followers, servants and others not keeping the godowns they live in clean

(4). Performing offices of nature in other than the appointed places.

(5). Bathing, or washing clothes or animals, in the *cunette* or other unauthorized places.

(6). Selling unwholesome articles of food, grain or drinks.

(7) Adulterating food or drinks

(8) Making evacuations in unauthorized places

(9). Rash or negligent driving

(10) Picketting, training or breaking in animals

(11). Causing obstruction by vehicles on the road.

(12) Exposing or hawking articles for sale about the roads and barracks, or within the Fort, without a Fort pass

(13) Beating drums or tom toms.

(14) Damaging lamps, posts, masonry or other Government-property in any part of the Fort

(15). Disorderly behaviour in the public thoroughfares.

(16). Gambling.

(17) Spitting pán on any of the public staircases, gateways, walls and verandahs, or defacing in any way the walls of barracks, buildings or gate ways

(18) Throwing slops into the drains.

(19). Washing cooking-pots at the water taps and wasting water

(20). Cooking in unauthorized places.

(21) Hanging clothes to dry on the guns or masonry-work.

(22) Laying out clothes, accoutrements or stable-bedding after the authorized hours.

(23) Destroying the trees, bushes or plants, or climbing trees

(24). Servants smoking hookas in their masters' quarters or cook-houses, or keeping such quarters or cook-houses in an insanitary state

(25) Trespassing on parade-grounds, or making footpaths across the grass-plots

(26) Being drunk and incapable

(27) Fighting, quarrelling and creating a disturbance, or making unnecessary noise of any kind

(28) Affixing bills and papers on any walls in the Fort

(29) Cutting grass or interfering with the grass-contractor

(30) Declining to show a tin pass when called upon to do so

(31) Being found in the garrison without a tin pass, or being in possession of a ticket belonging to another

(32) Driving vehicles without lights or with insufficiently greased wheels.

(33) Swinging or sitting on the chain-fences

(34) Interfering in any way with the guns, carriages or pies of shot and shell on the works, or with the packed ordnance.

(35) Mounting the ramparts or parapets or entering the embrasures without authority

(36) Smuggling liquor into the Fort

(37) Burning stable litter or lighting fires except in authorized places and at authorized hours

(38) Carrying lights except in closed lanterns, or letting off fireworks

(39) Removing property of any kind or description from the Fort without written authority

(40.) Allowing animals of any sort to stray into the Fort, or to graze within the same

(41) Slaughtering animals or exposing carcasses or offal within the Fort

(42) Keeping dogs or poultry in unauthorized places

(43) Buying, selling or receiving any portion of a soldier's kit

(44) Disobedience of lawful authority in failing to attend to authorized instructions of the police or of the several sentries posted throughout the Fort

(45). Occupying buildings of any kind without proper allotment.

ACT No XXV OF 1881

Received the Governor General's assent on the 27th of October, 1881.

An Act to amend the law in force in the Mahál of Bánki

Preamble

WHEREAS it has been determined to annex the territory comprised in the mahál of Banki to the district of Katak

And whereas the said territory forms portion of a scheduled district under the Scheduled Districts Act, 1874

And whereas it is expedient that the law in force in the said territory should, on such annexation, be the same as the law in force in the district of Katak, and that the said territory should cease to be a portion of a scheduled district

It is hereby enacted as follows —

Short title

1 This Act may be called "The Bánki Laws Act, 1881"

Laws of Katak to apply.

2 All enactments which shall on the first day of April, 1882, be in force in the district of Katak and not in the said territory shall be deemed to come into force in the said territory on that day

Other laws repealed

And all enactments which shall on that day be in force in the said territory and not in the district of Katak shall be deemed to be repealed on and from that day in the said territory

Pending proceedings.

3 All proceedings commenced before any authority in the said territory before the said first day of April, 1882, and still pending on the said day, shall be disposed of by such authority as the Local Government may direct,

and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district.

4. On and from the said first day of April, 1882, the said territory shall cease to be a portion of a scheduled district; and in Part III of the first schedule to the said Scheduled Districts Act, 1874, for the words "Mahâls of Angúl and Bánki," the words "Mahâl of Angúl" shall be substituted;

Amendment of certain Bengal Regulations.

And in the following Bengal Regulations, namely, Regulation XII of 1805, section thirty-six, Regulation XIII of 1805, section thirteen, and Regulation XI of 1816, section two, the words "Ditto Bánki" shall be repealed.

THE INLAND EMIGRATION ACT, 1882.

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ACT No I OF 1882

Received the Governor General's assent on the 6th of January, 1882

An Act to amend the law relating to Emigration to the Labour-districts of Bengal and Assam

Preamble

WHEREAS it is expedient to amend the law relating to the emigration of natives of India to the districts of Chittagong the Chittagong Hill Tracts, Lakhimpur, Sibsagar, Naugong, Darrang Kamrup Goalpara, Khasi Hills, Kachar and Silhat, It is hereby enacted as follows—

CHAPTER I

PRELIMINARY

Short title.

1 This Act may be called "The Inland Emigration Act 1882"

Local extent.

It extends to the territories respectively administered by the Lieutenant-Governors of Bengal and the North Western Provinces and the Chief Commissioners of Oudh and Assam

Commencement

And it shall come into force at once

Repeal of enactments

2 Bengal Act No. VII of 1873 (*to amend the law relating to the emigration of labourers to the districts of Assam, Kachar and Silhat and to regulate contract-labour and service*), Bengal Act No II of 1878 (*to extend the provisions of Bengal Act VII of 1873 to the district of Chittagong and to the Chittagong Hill Tracts*) and Regulation No IV of 1877 (*a Regulation for extending to the Chief Commissionership of Assam, Chapter 13 of Bengal Act VII of 1873*) are hereby repealed

All contracts entered into, rules and appointments made orders and notifications published and licenses granted under the said Bengal Act No VII of 1873, or any of the Acts thereby repealed and now in force, shall be deemed to have been respectively entered into, made, published and granted under this Act

Interpretation clause

3 In this Act, unless there is something repugnant in the subject or context,—

Labour districts

The expression "the labour-districts" means the districts of Chittagong, the Chittagong Hill Tracts, Lakhimpur Sibsagar, Naugong, Darrang, Kamrup, Goálpára, Khási Hills Kachár and Silhat, and the expression "a labour-district" means any one of such districts

Magistrate

"Magistrate" means a Magistrate of a district, Sub divisional Magistrate, and any other person appointed, by name or by virtue of his office, by the Local Government to perform the functions of a Magistrate under this Act

"Superintendent," "Registering officer," "Inspector" and "Assistant Inspector" mean respectively a Superintendent of Emigration, a Registering officer, an Inspector of Labourers and an Assistant Inspector of Labourers appointed under this Act: "Superintendent," "Registering officer," "Inspector" and "Assistant Inspector"

"Contractor," "sub-contractor," "recruiter" and "local agent" mean respectively a contractor, a sub-contractor, a recruiter and a local agent licensed under this Act "Contractor," "sub contractor," "recruiter" and "local agent"

"Labour-contract" means a contract entered into in accordance with the provisions of this Act to labour for hire in a labour-district, otherwise than as a domestic servant "Labour contract"

"Labourer" means any person bound by a contract under the provisions of the said Bengal Act No. VII of 1873 or by a labour-contract under the provisions of this Act. And it also includes any person registered under section thirty-two or section sixty-six as a labourer "Labourer"

"Estate" means the land upon which any labourers or more than fifty other persons have been engaged to labour "Estate"

"Employer" means the chief person for the time being in charge of any estate upon which labourers or more than fifty other persons are employed "Employer"

"Emigrate" denotes the departure of any native of India of the age of sixteen years or upwards (other than a native of a labour-district) from any part of the territories administered by the Lieutenant-Governor of Bengal, not being a labour district, or from the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh, for the purpose of labouring for hire in a labour-district otherwise than as a domestic servant; "Emigrate"

"Dependent" means any woman (not being a labourer), any child, and any aged or incapacitated relative or friend accompanying any labourer with the consent of a contractor, sub-contractor, recruiter, local agent or garden-sardár; "Dependent"

"Vessel" includes anything made for the conveyance by water of human beings or property "Vessel"

"Master" means the person for the time being in charge of a vessel "Master"

"Writing" and "written" include "printing" and "lithography." "Writing" and "written"

And all words defined in the Indian Contract Act, 1872, and used in this Act, shall have the meanings respectively assigned to them by that Act. Words to be understood as defined in Contract Act.

4 The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, declare that any labour-district within the territories administered by such Government Power to exempt labour district

shall, from a day specified in such notification, cease to be subject to all the provisions or any specified provision of this Act; and from such day such labour-district shall cease to be subject to the provisions of this Act or to the provisions so specified, as the case may be.

Local Government may prohibit emigration to any labour-district or part thereof.

5. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, prohibit, from a day specified in such notification, all natives of India, or any specified class of such natives, from emigrating from the whole or any specified part of the territories under its administration, to any labour-district or to any specified portion of any such district.

The Local Government may with the like sanction in like manner vary or cancel any such notification.

Notification under sections 4 and 5 not to affect prior acts, &c.

6. The publication of a notification under section four or section five shall not affect any act done, offence committed or proceedings commenced before such publication.

Saving of free emigration and of ordinary contract law.

7. Save as provided by section five, nothing in this Act shall be deemed to prohibit any native of India from emigrating to, or entering into a contract to labour in, a labour-district otherwise than under the provisions of this Act.

Appointment of officers.

8. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Superintendents of Emigration, Registering officers, Embarkation Agents, Debarkation Agents, Inspectors of Labourers, Assistant Inspectors of Labourers and Medical Inspectors under this Act respectively, and, with respect to any such officer, may, subject to the control of the Governor General in Council, declare the local area situate in the territories subject to its administration within which he shall exercise the powers and perform the duties conferred and imposed upon him by this Act or any rule made hereunder.

The Local Government may suspend or remove any persons whom it so appoints.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.

CHAPTER II.

LABOUR-CONTRACTS GENERALLY.

Essentials of labour-contract.

9. Every labour-contract shall be in writing, and shall be executed in duplicate on substantial paper. Every such contract shall specify—

(*a*) the names of the labourer and his employer;

(*b*) the term for which the labourer is to labour;

(*c*) his monthly wages in money and the price at which rice is to be supplied to him ;

(*d*) the labour-district in which, and, if the labourer so request, the estate on which, he is to labour.

Every such contract shall be in the form prescribed in the schedule hereto annexed.

No such contract shall be made for a term exceeding five years, commencing from the date of its execution ; or shall stipulate for a less rate of monthly wages for a completed daily task regulated in accordance with the provisions of this Act than five rupees in the case of a man and four rupees in the case of a woman for the first three years of the term of the contract, or six rupees in the case of a man and five rupees in the case of a woman for the fourth and fifth years of such term.

No contract made in contravention of, or not in accordance with, the provisions of this section shall be enforceable under this Act as a labour-contract against the labourer entering into it.

If contract does not specify estate, labourer to be deemed to have contracted to labour on any estate in charge of employer and situate in labour-district.

10. Unless the labour-contract specifies the particular estate on which the labourer is to labour, the labourer shall be deemed to have contracted to labour on any estate in charge of the employer for whom he has contracted to labour, and situate in the labour-district specified in the contract :

Provided that no labourer shall, without his own consent, be separated from his dependents (if any) or from any other labourer who is the wife, husband, son or daughter of such labourer.

Persons of sixteen years of age may contract to emigrate.

11. Notwithstanding anything to the contrary in the Indian Contract Act, 1872, it shall be lawful for any person of the age of sixteen years or upwards to enter into a labour-contract.

CHAPTER III.

Recruiting by Contractors, Sub-contractors and Recruiters.

A.—Contractors and Sub-contractors.

Superintendent may license contractors.

12. Any Superintendent specially empowered in this behalf by the Local Government may grant to such persons as he thinks fit licenses to be contractors within the whole or any part of the local area for which such Superintendent has been appointed. He may also, on the application of any contractor, grant to such persons as he thinks fit licenses to be sub-contractors on behalf of such contractor, within the whole or any part of the local area for which such contractor is licensed.

Superintendent may license sub-contractors.

Form of, and fee for, contractor's and sub-contractor's licenses.

13. Every license to a contractor or sub-contractor shall be in such form, and subject to the payment of such fee, not exceeding, in the case of a contractor, one hundred rupees, and in the case of a sub-contractor, fifty rupees, as the Local Government may by rule prescribe.

Period for which contractor's and sub-contractor's license to remain in force.

14. No such license shall be granted for a longer period than one year from the date thereof, and, if the licensee fails to comply with any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any such license may at any time be cancelled by the Superintendent who granted the same.

Appeal against order cancelling license.

A contractor or sub-contractor may, within one month from the date of any order of a Superintendent cancelling his license, appeal against such order to the Local Government.

The order of the Local Government on such appeal shall be final.

Duties of contractors.

15. Every contractor, in addition to the special duties herein assigned to him, shall afford such information to the Superintendent and furnish him with such returns and reports as he may, subject to any rules which may be framed by the Local Government in this behalf, require.

Sub-contractor may be licensed to represent more than one contractor.

16. A sub-contractor may be licensed to act on behalf of more than one contractor:

Provided that he obtains a separate license in the case of each contractor for whom he desires to act.

Contractor or sub-contractor may act as recruiter.

17. A contractor or sub-contractor may act as a recruiter, and shall, when so acting, be subject to all the provisions hereinafter contained relating to recruiters.

Liability of contractors for sub-contractors' and recruiters' acts and defaults.

18. Every contractor shall be liable for the acts and defaults as a sub-contractor or recruiter of any person licensed to be a sub-contractor or recruiter on his behalf, and shall be bound to make good all payments which, under this Act or any rule made hereunder, any such person is ordered to make.

The Superintendent may cancel the license of any contractor whenever the license of any person so licensed on his behalf is liable to be cancelled under this Act.

Nothing in this section shall be deemed to render a contractor criminally liable for any act or default on the part of any person licensed to be a sub-contractor or recruiter on his behalf.

Contractor to establish depôts.

19. Every contractor shall establish and maintain, at such places as the Local Government may direct, suitable depôts for the reception and lodging, previous to their despatch to the labour-districts, of labourers engaged by him or by sub-contractors or recruiters licensed to act on his behalf, and shall provide at his own expense all necessary food, clothing and medical treatment for such labourers during their stay at such depôts.

20. No such depôt shall be used for the reception and lodging of labourers until it has been inspected and approved of by the Superintendent and the Medical Inspector. Every such depôt shall be under the supervision of the Superintendent, the Magistrate of the district or such other officer as the Local Government may appoint in this behalf, and shall be open at all times to inspection by the Superintendent, the Magistrate of the district or such officer, and by the Medical Inspector.

Inspection and supervision of depôts.

Whenever the Superintendent considers that any such depôt is unhealthy, or has become unsuitable for the purpose for which it was established, he may by order in writing prohibit the using of such depôt for the reception and lodging of labourers.

21. In addition to the depôts hereinbefore provided for, the Local Government may establish a separate hospital-depôt for the reception of labourers suffering from any dangerously infectious or contagious disease.

Establishment of hospital-depôts.

22. Whenever any such hospital-depôt is established by any Local Government, such Government may require any contractor having a depôt in the neighbourhood of such hospital-depôt to contribute to the expense of the establishment and maintenance of such hospital-depot such reasonable sum as it may direct. Such sum may be recovered as an arrear of land-revenue due from any contractor so required.

Contractor to contribute towards establishment and maintenance of hospital-depôt.

Every hospital-depot so established shall be under the charge of a medical officer appointed by the Local Government. Any Medical Inspector may direct the transfer of any labourer from a depôt established within the local limits of his jurisdiction to a hospital-depôt established within such local limits.

B.—Recruiters.

23. Any Superintendent empowered in this behalf by the Local Government may, on the application of any contractor or of any sub-contractor acting on behalf of a contractor, grant to such persons as he thinks fit licenses to be recruiters on behalf of such contractor within the whole or any specified part of the local area for which such contractor has been licensed.

Superintendent may license recruiters.

24. Every license to a recruiter shall be in such form and subject to the payment of such fee, not exceeding sixteen rupees, as the Local Government may by rule prescribe.

Form of, and fee for, recruiter's license.

25. No such license shall be granted for a longer period than one year from the date thereof; and if the licensee fails to comply with any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any such license may be cancelled by the Superintendent who granted the same.

Period for which license is granted.

Recruiter must hold a certificate.

26. Every recruiter shall hold a certificate in writing authorizing him to act as such and signed by the contractor or sub-contractor on whose application he was licensed.

Countersignature of recruiter's license.

27. No recruiter shall in any local area engage or attempt to engage any person as a labourer unless such recruiter's license bears the countersignature of a Magistrate having jurisdiction throughout such local area.

No such Magistrate shall countersign a recruiter's license unless and until he has satisfied himself by such enquiry as he thinks fit that the licensee is not by character or from any other cause unfitted to be a recruiter under this Act, that he holds the certificate mentioned in section twenty-six, and that sufficient and proper accommodation has been provided in a suitable place and is available for such labourers, or persons intending to become labourers, as may be collected by such recruiter pending their removal to a depôt.

Magistrate to supervise accommodation.

28. Every Magistrate shall have, for the supervision, inspection and regulation of the place situate within the local limits of his jurisdiction where such accommodation is provided, the same powers as are by this Act conferred on the Superintendent in respect of depôts.

Any Magistrate of a district or division of a district may authorize any Magistrate subordinate to him, or any officer of police above the rank of sub-inspector, to visit and inspect such place at any time; and all recruiters or other persons in charge of such place shall afford to subordinate Magistrates and officers of police so authorised every facility for making such visits and inspections.

Magistrate may cancel countersignature in certain cases.

29. If any Magistrate who has countersigned a recruiter's license afterwards finds reason to think that the licensee is by character or from any other cause unfitted to be a recruiter under this Act, or that the accommodation provided under section twenty-seven has become insufficient or improper or has ceased to be available, or that the place in which it is provided has become unsuitable, he may require the licensee to produce his license and may cancel his countersignature thereon, or he may impound the license and send it for cancellation to the Superintendent who granted the same.

Notice to Superintendent of refusal to countersign or cancellation.

Every Magistrate refusing to countersign a recruiter's license or cancelling his countersignature thereon shall at once report such refusal or cancellation and the grounds thereof to the Superintendent who granted such license.

C.—Procedure before Arrival at Depot.

Intending labourer to be taken for examination to medical officer.

30. Every recruiter who desires to engage any person as a labourer shall appear with such person before such medical officer as the Local Government may appoint to examine such persons within the local limits of the jurisdiction of the Magistrate by whom such recruiter's license was countersigned, or, if

no such officer has been appointed before such medical officer as the Registering officer, before whom such person is taken for registration as hereinafter provided may direct

The medical officer shall thereupon examine such person, and shall, if satisfied that he is in a fit state of health and able in point of physical condition to proceed to the labour district in which he intends to labour, give him a certificate to that effect

31 Every person who obtains a certificate under section thirty, together with any persons about to proceed to a labour-district as his dependents shall thereupon be brought by the recruiter before the Registering officer having jurisdiction within the local area for which such recruiter is licensed The recruiter shall at the same time produce and show his license to such Registering officer

If certified to be fit intending labourer to be brought before Registering officer

32 The Registering officer shall thereupon inspect the certificate given under section thirty, and the license of the recruiter, and, if he finds that such certificate has been duly given and that the recruiter is duly licensed, shall then examine such person, with reference to his intended labour contract, and explain the same to him

Intending labourer to be examined by Registering officer

If it appears that such person is competent to enter into such contract, and understands the same as regards the locality, period and nature of the service and the rate of wages and the price at which rice is to be supplied to him that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereunto by any coercion, undue influence fraud, misrepresentation or mistake and that he is willing to fulfil the same, the Registering officer shall register in a book to be kept for the purpose such particulars regarding him and the persons (if any) whom he wishes to have registered as his dependents as the Local Government may by rule prescribe, and the labourer and his dependents (if any) shall thereupon be deemed to be registered under this Act

Intending labourer to be registered

33 The Registering officer shall furnish to the person so registered a certified copy of such particulars written on substantial paper

Copy of registration to be given to labourer

34 Every officer registering any person under section thirty two shall forthwith forward a certified copy of such particulars and the original certificate of the medical officer regarding him to the Superintendent having jurisdiction over the depôt to which such person is to proceed

Copy of registration and medical certificate to be sent to Superintendent

35 For every such person produced before a Registering officer for the purpose of being registered as a labourer the recruiter shall pay to the officer such fee not exceeding one rupee as the Local Government may by rule direct

Fee for registration

36 No recruiter shall remove or attempt to remove any person to a depôt,

Recruiter

when to remove person to depôt.

or induce or attempt to induce him to go to a depôt, or to leave the local limits of the jurisdiction of the Registering officer before whom such person ought to be brought under section thirty-one, or aid or attempt to aid him in going to a depôt, or leaving any such local limits, unless and until such person has been registered under section thirty-two.

Conveyance of labourer to depôt.

37. Every labourer shall, after he has been registered under section thirty-two, be conveyed with all convenient despatch by the recruiter by whom he has been engaged to the depôt established by the contractor on whose behalf such recruiter has been licensed.

Recruiter to accompany labourer or depute person approved by Registering officer.

All labourers shall, while proceeding to the depôt, be accompanied throughout the journey either by the recruiter himself, or by a competent person deputed by him with the approval of the Registering officer by whom such labourers have been registered. The Registering-officer shall give to the person so deputed a certificate under his signature, stating that he has been deputed for the journey to the depôt.

Recruiter must provide food and lodging for labourer on journey.

38. Every recruiter or person deputed by him as aforesaid shall, throughout the journey to the depôt, provide such labourer and his dependents (if any) with proper and sufficient food and lodging.

D.—Procedure at Contractors' Depôts.

Contractor to report arrival of labourer.

39. Within twenty-four hours after a labourer arrives at a depôt, the contractor by whom such depôt is maintained, or the person in charge thereof, shall give to the Superintendent, within the local limits of whose jurisdiction such depôt is situate, a notice in writing of such arrival, which notice shall be in such form, and shall contain such particulars, as the Local Government may by rule prescribe.

Duties of Medical Inspector.

40. The Medical Inspector shall, as soon as may be after the labourer arrives at the depôt, examine such labourer and his dependents (if any) to ascertain that they are in a fit state of health to undertake the journey to the labour-district to which they intend to proceed.

The Medical Inspector shall give a certificate to the Superintendent stating whether he is or is not satisfied of the fitness of the labourer and his dependents (if any) to undertake such journey.

If certificate of fitness granted, labourer to enter into labour-contract.

41. If the Medical Inspector gives a certificate of fitness under section forty with respect to any labourer, and in the opinion of the Superintendent there is no valid reason why such labourer should not enter into a labour-contract, such labourer and the employer with whom he intends to contract, or the agent of such employer, shall, within thirty days after the arrival of the labourer at the depôt, execute a labour-contract in the presence of the Superintendent.

42. Before the labourer executes such contract, the Superintendent shall personally explain it to him, and shall, after the same has been executed by such labourer and his employer, or the agent of such employer, attest such contract and certify at the foot thereof that he has personally explained the same to the labourer.

Contract to be explained to labourer by Superintendent.

An abstract of every such contract shall be entered in a register to be kept by the Superintendent for the purpose; and after such abstract has been so entered, one copy of the contract shall be given to the labourer and the other to his employer or his employer's agent.

Abstract to be made of contract, and copies of contract given to labourer and employer.

43. In the following cases (namely):—

(*a*) where the Medical Inspector, on making the examination required by section forty, or at any subsequent time during the stay at the depôt of any labourer, finds that such labourer is or has become unfit to undertake the journey to the labour-district to which he intends to proceed, and the Superintendent considers that such labourer has not dishonestly represented himself as fit to undertake such journey, or

(*b*) where the Superintendent finds that any such irregularity has occurred in the recruitment or treatment by the recruiter of any such labourer as makes it just to refuse to permit a labour-contract to be executed or to rescind such contract if executed, or

(*c*) where the contractor on whose behalf or by whom the labourer has been registered does not within thirty days after the arrival of such labourer at the depôt tender to him a labour-contract for execution under section forty-one, or the employer or his agent refuses or neglects to execute such contract as required by that section,

the Superintendent may cancel the labour-contract executed by such labourer, and in that case, or if no labour-contract has been executed, may order the contractor at once to pay such labourer such reasonable sum as is necessary to enable him to return to the place at which he was registered, and such further sum by way of compensation as the Superintendent thinks reasonable; and may take any other steps he thinks necessary for the conveyance of such labourer to such place.

Power to cancel contract and order payment of expenses home of labourer in certain cases.

44. Any labourer who from his state of health is, in the opinion of the Medical Inspector, unfit to undertake such return-journey, shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the depôt at the expense of the contractor by whom such depôt is maintained, until he is reported by the Medical Inspector to be fit to undertake such return-journey.

Labourer when to be lodged, &c., at depôt till he can return home.

If such contractor negligently or wilfully omits to provide food, lodging, clothing or medical treatment for such labourer, the Superintendent may

Contractor omitting to provide food,

&c., for labourer.

order the contractor at once to pay such reasonable sum as is necessary to provide such food, lodging, clothing or medical treatment.

Like provisions in case of dependents and relatives.

45. When an order is made under section forty-three with reference to any labourer, any person registered as his dependent, or any labourer being the wife, husband, son or daugther of such labourer, may claim—

(*a*) to be conveyed at the expense of the contractor with such labourer to the place at which he was registered, and

(*b*) if such labourer is unable to travel, to be fed, lodged, clothed and (if necessary) medically treated in the depôt at the expense of the contractor until such labourer is able to travel;

and the Superintendent may include such expenses in an order made under section forty-three or section forty-four with respect to such labourer.

Compensation to labourer for ill-treatment on the journey.

46. If, upon the arrival of any labourer at a depôt, it appears that during the journey to the depôt such labourer or any person registered as his dependent has suffered any ill-treatment at the hands of the recruiter or person deputed by him to accompany such labourer, or that such recruiter or such person has failed to provide the labourer or any person registered as his dependent with proper and sufficient food and lodging, the Superintendent may order the contractor by whom such depôt is maintained to pay such labourer a reasonable sum by way of compensation.

Procedure when dependent declared unfit to proceed to labour-district.

47. If the Medical Inspector has reason to think that any person registered as the dependent of a labourer is not in a fit state of health to undertake the journey to the labour-district to which the labourer whose dependent he is intends to proceed, the Medical Inspector shall so certify to the Superintendent to whom notice of the arrival of such labourer was given. The provisions of sections forty-three and forty-four shall thereupon apply to such dependent as if he were a labourer, and the Superintendent may make such orders regarding him as he may make under those sections with regard to a labourer.

Labourer and relatives entitled to be returned with dependent.

48. The labourer to whom such dependent is attached shall thereupon be entitled, if he or she so wishes, and if he or she be the husband, wife, son or daughter of such dependent, to receive from the contractor at whose depôt he or she arrived such reasonable sum as is necessary to enable him or her to return to the place where he or she was registered. If such labourer so return, then any other persons registered as his or her dependents, and any other labourer being the wife, husband, son or daughter of such labourer, shall also be entitled to receive a like sum from such contractor.

Failure of contractor to pay sums ordered to be

49. On failure of the contractor for twenty-four hours to comply with an order of the Superintendent to pay any sum ordered to be paid under section forty-three, section forty-four, section forty-five, section forty-six, section

forty seven or section forty-eight, the Superintendent may pay the same to or on behalf of the labourer or dependent

paid under sec 46 or 47 or 48

Every sum so paid shall be recoverable from the contractor with interest thereon at the rate of twelve per cent per annum from the date of payment

No further proof shall be required by any Court in any such case than that the Superintendent gave the contractor an order to pay such sum, and that the contractor for twenty four hours failed to comply with such order

Provisions for way bill.

50 All labourers despatched from a contractor's depôt to a labour district shall during their journey be accompanied by a person appointed by such contractor Such person shall take with him a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe

He shall also present such way bill at all such places and to all such officers as may be thereupon indicated and shall carry out all instructions contained therein for his guidance

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CHAPTER IV

Recruiting by Garden Sardars and Local Agents

A.—Garden-sardars

Employer may grant certificate to garden sardár

51 Any employer may grant to any person a certificate authorising him, within such local area as may be specified in such certificate, to enter into labour-contracts with persons desirous of becoming labourers upon any estate of which such employer is in charge

Every person to whom such certificate has been granted is hereinafter called a garden sardár

If any labourer is granted a certificate under this section, his employment as a garden sardar shall be deemed to be employment under his labour contract

Form and particulars to be contained in such certificate

52 Every such certificate shall be in such form and shall contain such particulars as the Local Government of the territories in which it is granted may prescribe in this behalf

Any employer granting a certificate to a garden sardar may, before such certificate is accepted and signed as hereinafter provided, specify therein the name of the local agent (if any) to whom such garden sardár is to report himself for orders, and the time within which he is to return to such employer, and any other instructions for his conduct that he may think proper

Certificate to be accepted and signed in presence of Inspector or Magistrate

53 Every such certificate shall be accepted and signed by the garden-sardár in the presence of the Inspector or a Magistrate having jurisdiction over the place where the employer granting such certificate resides

Inspector or Magistrate to countersign certificate.

54. Such Inspector or Magistrate shall inquire into the facts stated in such certificate ; and upon being satisfied of the truth of the statement shall, unless it appears to him that the person so accepting and signing such certificate is by character or from any other cause unfitted to be a garden-sardár, countersign and date such certificate.

Provision for grant of fresh certificate.

55. On the application of the employer by whom any certificate so countersigned has been granted to a garden-sardár, such Inspector or Magistrate may, without requiring the appearance of the garden-sardár or making the inquiry prescribed by section fifty-four, countersign a fresh certificate to be granted by such employer to such garden-sardár in renewal of any existing certificate.

Such fresh certificate to be forwarded to Magistrate of district where garden-sardár is employed, and to be accepted and signed by garden-sardár.

Every such fresh certificate shall be forwarded by the Inspector or Magistrate countersigning it to the Magistrate of the district in which the garden-sardár to whom it is granted is employed ; and such sardár shall, on receiving notice from such Magistrate, appear before him and accept and sign such fresh certificate in his presence.

Certificate when to come into force.

56. No certificate granted to a garden-sardár shall come into force unless and until it has been accepted and signed by the garden-sardár and countersigned by the Inspector or Magistrate, and no such certificate shall continue in force for a longer period than one year from the date of its countersignature.

Accommodation to be provided by garden-sardár.

57. Every garden-sardár shall provide sufficient and proper accommodation in a suitable place for such labourers, or persons intending to become labourers, as may be collected by him pending their removal to a labour-district.

The Magistrate of a district or of a division of a district, or a Magistrate subordinate to him, or an officer of police above the rank of sub-inspector authorized by him in this behalf, shall visit and inspect such accommodation ; and all garden-sardárs or other persons in charge of such places shall afford to such Magistrate, Subordinate Magistrate or officer of police every facility for making such visits and inspections.

In every such place the garden-sardár providing the accommodation shall make such sanitary arrangements as the Local Government may prescribe.

Certificate may be cancelled in certain cases.

58. Whenever a garden-sardár contravenes any of the provisions of this Act or the rules made hereunder, or is guilty of any other misconduct, any Magistrate, Superintendent or Inspector, within the local limits of whose jurisdiction such garden-sardár is employed, may cancel his certificate.

B.—Local Agents.

Local agents

59. Any Superintendent authorised in this behalf by the Local Govern-

ment may, on the application of any employer, grant licenses to persons to be local agents for the purpose of representing such employer within such local area and for such period as such employer may desire · Provided that no contractor shall be licensed as a local agent

may be licensed

60 A local agent may within such local area represent his employer in all matters connected with the engagement of labourers , and shall furnish such information and make such returns as the Local Government may by rule direct

Powers and duties of local agents.

61 The Superintendent authorized as aforesaid may, on the application of any employer other than the employer on whose application a local agent has been licensed, make an order in writing permitting such agent to become the local agent of such additional employer within the local area for which he was licensed The Superintendent making such order shall forthwith send a copy thereof to the Magistrate of the district in which such agent resides , and such Magistrate shall, on the agent's application, insert in his license the name of such additional employer.

Local agent may represent more than one employer

62 Any Superintendent authorized as aforesaid may, with the consent of all the employers of a local agent, grant a special license to such agent, permitting him to engage on behalf of any employer specified in such special license, but without the intervention of a garden-sardár, persons to be labourers

Every agent when so engaging persons to be labourers may, if he thinks fit, appear with them for registration before a Registering officer, and require them when so registered to execute a labour-contract, and in such case shall for the purposes of this Act be deemed to be a garden-sardár"

Local agent may be specially licensed , to contract direct with labourers.

63 When any garden sardár to whom a certificate has been granted under this Act by any employer commits any offence punishable under this Act, any local agent of such employer may prosecute the sardár for such offence

Local agent may prosecute garden sardár

64 The Magistrate of any district within which a local agent acts as such may by order cancel the license of such local agent if the employer so require, or if it is shown to the satisfaction of such Magistrate that such local agent has—

On what grounds local agent's license may be cancelled

(*a*) employed any contractor's recruiter to engage on his behalf persons to be labourers , or

(*b*) permitted persons engaged as labourers by or on behalf of any contractor to use the accommodation provided for the persons engaged as labourers by any garden-sardár under such local agent's control , or

(*c*) allowed any garden-sardár under his control to transfer persons engaged as labourers by such sardar to contractors or to their recruiters or to any employer other than the employer by whom such sardar's certificate was granted , or

(*d*) himself taken over persons engaged as labourers by any garden-sardár with intent to despatch them to any employer other than the employer by whom such sardár's certificate was granted

An appeal shall lie to the Local Government from any order made under this section, clause (*a*), (*b*), (*c*) or (*d*) Such appeal must be presented within three months next after the date of the order, and the decision of the Local Government thereon shall be final

C—Procedure to be followed by Garden-sardár

Garden sardár and labourer to appear before Registering officer for registration

65 Every garden-sardar who desires to engage any person as a labourer shall appear with such person, together with any persons about to proceed to a labour-district as dependents of such person, before the Registering officer having jurisdiction within the local area specified in the certificate of such sardár

Registration of persons engaged by garden-sardár

66 The Registering officer shall thereupon inspect the certificate of the garden-sardar, and, if he finds that such certificate is in force, shall examine, with reference to the intended labour-contract, the person whom the sardár so desires to engage and explain the contract to such person

If it appears that such person is competent to enter into such contract, and understands the nature of the same, as regards the locality, period and nature of the service, and the rate of wages and the price at which rice is to be supplied to him, that the terms thereof are in accordance with law, that he has not been induced to agree to enter thereinto by any coercion, undue influence, fraud, misrepresentation or mistake, and that he is willing to fulfil the same, the Registering officer shall register in a book to be kept for the purpose such particulars regarding him and his dependents (if any) as the Local Government may by rule prescribe, and the labourer and his dependents (if any) shall thereupon be deemed to be registered under this Act

Medical examination

67 If it appears to such officer that any such person, or any dependent of such person, is not in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the officer may, before registering any such person or dependent, if himself a medical man, medically examine such person or dependent, or, if not himself a medical man, send such person or dependent to a medical man for such examination If upon such examination such person or dependent is declared unfit to undertake the journey to such place, the officer may refuse to register such person or dependent.

Fee to be paid for every labourer produced for registration

68 For every person appearing before a Registering officer for the purpose of being registered as a labourer, the garden-sardar who appears with him shall pay to the officer such fee not exceeding one rupee as the Local Government may direct

Labour contract to be executed

69 When any person has been registered under section sixty-six as a labourer he shall, within fifteen days from the day on which he was so registered execute a labour contract with the employer with whom he intends to contract Such contract shall be signed in the presence of the Registering officer by such person and on behalf of the employer by the garden sardar who appears with such person before such officer The officer shall satisfy himself that the contract is in accordance with any instructions specified in the certificate of the garden sardár If the officer is so satisfied, he shall, before the labourer signs the contract personally explain it to him, and shall, after the same has been executed as aforesaid attest such contract and certify at the foot thereof that he has personally explained the same to the labourer

An abstract of every such contract shall be entered in a register to be kept for the purpose by the Registering officer, and, of the two copies of the contract one shall then be given to the labourer and the other to the garden sardár or the local agent

If any garden sardar without reasonable cause refuses or neglects to execute a contract with a labourer as required by this section within fifteen days from the day on which he was so registered, the Registering officer may order such sardar to pay to the labourer such reasonable compensation, not exceeding twenty rupees as such officer thinks fit

Procedure when employer requires medical examination previous to registration

70 If the employer of a garden sardar has in the instructions specified in the certificate of the sardár directed that all labourers engaged by him shall before registration be examined by a competent medical man and certified by him to be in a fit state of health to undertake the journey to, and labour in, the labour districts to which they intend to proceed, no Registering officer shall register as a labourer any person appearing before him with such sardar until such certificate from such medical officer as aforesaid has been produced and shown to him

Medical officer entitled to fee

71 If the employer has in the instructions specified in the certificate of the garden-sardar directed that such examination shall be made by any medical officer in the service of Government, such officer making the examination shall be entitled to receive from the local agent or sardar such a fee not exceeding eight annas for each labourer so examined as the Local Government may fix

Garden sardár when to remove labourer to labour district.

72 Unless and until a person engaged as a labourer has been registered under section sixty six no garden sardár shall remove or attempt to remove him to a labour-district, or induce or attempt to induce him to go to a labour-district, or to leave the local area specified in the certificate of such sardar, or aid or attempt to aid him in proceeding to a labour district, or in leaving any such local area

Garden-sardár to accompany labourers or send competent person with them.

73. A garden-sardár shall either himself accompany labourers engaged by him throughout their journey from the place in which the labour-contract was entered into to the labour-district wherein they have contracted to labour, or shall send with them some competent person appointed by him with the approval of the local agent of his employer; or, if his employer has no local agent, with the approval of the officer by whom such labourers were registered.

When the number of labourers (exclusive of dependents) proceeding on their journey to such labour-district is more than twenty, for every twenty labourers so in excess, or for any number of labourers less than twenty so in excess, one additional garden-sardár or person so appointed by him shall accompany the labourers so proceeding.

No restriction on number of persons engaged by garden-sardár.

74. A garden-sardár may, subject to the instructions specified in his certificate, engage any number of persons as labourers; and, subject to the provisions of section seventy-three, any number of labourers may be despatched at the same time to the labour-districts.

In certain cases garden-sardár may be appointed to accompany labourers not engaged by him.

75. Any garden-sardár may, with the previous consent in writing of the local agent of the employer by whom his certificate was granted, or, if such employer has no local agent, with the previous consent in writing of such employer, be appointed under section seventy-three as a competent person to accompany labourers other than those engaged by him.

Provision for way-bill.

76. Every garden-sardár or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall present to the officer by whom such labourers have been registered a way-bill in such form and containing such particulars and instructions as the Local Government may prescribe. He shall also present such way-bill at all such places and to all such officers as may be thereupon indicated; and shall carry out all instructions contained therein for his guidance.

Garden-sardár must provide food and lodging for labourers and dependents on journey.

77. Every garden-sárdar or person appointed by him as aforesaid who accompanies labourers to the labour-districts shall provide such labourers and their dependents (if any) with proper and sufficient food and lodging throughout the journey.

If such not provided, Magistrate may award compensation or cancel contract.

78. If it appears to any Magistrate, on the complaint of any such labourer at any place on the journey, that he or any person registered as his dependent has suffered any ill-treatment during the journey at the hands of the garden-sardár or person appointed by him accompanying such labourer, or that such sardár or person has failed to provide such labourer or any of his dependents with proper and sufficient food and lodging, or has wilfully abandoned such labourer or any of his dependents, such Magistrate may either order the sardár or person so appointed to pay to such labourer a reasonable sum by way of compensation, or may cancel the labour-contract entered into by such labourer

and order such sardár or person to pay to such labourer such reasonable sum as is necessary to enable him with his dependents (if any) to return to the place at which he was registered.

Procedure on failure of garden-sardár to comply with order

79. On failure for twenty-four hours by any garden-sardár or person appointed by him as aforesaid to comply with an order under section seventy-eight to pay any sum, the Magistrate may pay the same to or on behalf of such labourer.

Every sum so paid shall be recoverable from the employer by whom the certificate of such garden-sardár was granted, or from the local agent of such employer, with interest thereon at the rate of twelve per centum per annum from the date of payment.

No further proof shall be required by any Court in any such case than that the Magistrate gave such garden-sardár or person an order to pay such sum and that such garden-sardár or person for twenty-four hours failed to comply with such order.

Medical inspection of labourers *en route.*

80. Any Magistrate or any Embarkation Agent may, if himself a medical man, examine, and if not himself a medical man, send for examination by a medical man, any labourer or dependent who, while on the journey to the district to which he intends to proceed, appears to such Magistrate or Agent not to be in a fit state of health to proceed thereto.

Detention and return of labourer declared when *en route* to be unfit to travel.

81. If such labourer or dependent is on such examination declared not to be in a fit state of health to undertake the journey to the labour-district to which he intends to proceed, the Magistrate or Embarkation Agent may order him to be detained at such place as he thinks fit until the labourer or dependent is in a fit state of health to undertake such journey, when he shall either be forwarded to such district or sent back to the place where he was registered, according as the garden-sardár or person appointed by him accompanying such labourer or dependent, or the employer by whom the certificate of such sardár was granted, or his local agent, may direct.

While any labourer or dependent is so detained he shall be entitled to be fed, lodged, clothed and (if necessary) medically treated at the cost of the employer with whom such labourer or the labourer to whom such dependent is attached has contracted to labour.

Dependents of labourer when to be fed, &c.

82. When an order under section eighty-one has been made with reference to any labourer, any person registered as his dependent and any labourer being the wife or husband of such labourer, shall be entitled,

(*a*) until such labourer is in a fit state of health to undertake such journey, to be fed, lodged, clothed and (if necessary) medically treated at the place where such labourer is detained and at the cost of the employer with whom such labourer has contracted to labour, and,

(*b*) if such labourer is sent back to the place where he was registered, to be sent back to such place

Labourer to whom dependent is attached when to be fed, &c

When any such order has been made with reference to any dependent, the labourer to whom he is attached shall thereupon, until such dependent is in a fit state of health to undertake the journey to the labour district, be entitled, if the labourer so wishes, and, if he or she be the husband, wife, son or daughter of such dependent, to be fed lodged, clothed and (if necessary) medically treated at the place where such dependent is detained and at the cost of the employer with whom such labourer has contracted to labour, and if such dependent is sent back to the place where he was registered, such labourer shall, if he or she so wishes, and if he or she be the husband, wife, son or daughter of such dependent, be sent back to such place

If such labourer is entitled and claims to be so fed, lodged, clothed and (if necessary) medically treated, or to be so sent back, any person registered as his or her dependent and any other labourer being the wife or husband of such labourer, shall be entitled, as the case may be,

(*a*) to be fed, lodged, clothed and (if necessary) medically treated at the place where such dependent is detained and at the cost of such employer until such dependent is in a fit state of health to undertake the journey to the labour-district, or

(*b*) to be sent back to the place where he or she was registered

Payment of expenses of detention and return journey of labourer

83 If the garden sardar or person appointed by him accompanying any labourer or dependent fails to provide such labourer or dependent with food, lodging, clothing and medical treatment, or to send him back as required by section eighty one or section eighty-two, the Magistrate or Embarkation Agent may order such sardár or person to pay such sum as is necessary to provide such food, lodging, clothing and medical treatment, or to defray the cost of the return journey of such labourer or dependent, as the case may be, to the place where he was registered, and, on failure for twenty-four hours of such sardár or person to comply with such order, he may pay the sum specified in the order to or on behalf of such labourer or dependent

The provisions of section seventy-nine shall, *mutatis mutandis*, apply to the recovery of sums paid by the Magistrate or Embarkation Agent under this section

Agent in Calcutta may procure order from Superintendent cancelling the labour contract on payment of

84 If any labourer whose labour-contract has been executed by a garden-sardár on behalf of his employer is brought to Calcutta on his way to the district in which he has contracted to labour, any person empowered to act as the agent or representative of such employer may require such labourer to appear before the Superintendent for the cancellation of such contract If such reasonable sum as is necessary to enable such labourer and his dependents

(if any) to return to the place at which he was registered be paid to such labourer in his presence, the Superintendent may declare the contract cancelled, and in that case shall make an endorsement to that effect on the labourer's copy of the contract, and attest it with his signature.

Expense of return.

85. When the Superintendent declares the labour-contract of any labourer to be cancelled, any other labourer who is the wife, husband, father, mother, son or daughter of such labourer, and who may have entered into a labour-contract at the same place with the same employer, may claim to have her or his labour-contract cancelled at the same time. On such claim being made, the Superintendent shall declare the labour-contract of the claimant to be cancelled, and shall order the agent or representative of the claimant's employer to pay to the claimant such reasonable sum as is necessary to enable him and his dependents (if any) to return to the place at which he was registered.

In that case contracts of relatives to be cancelled.

On failure for twenty-four hours of the agent or representative to comply with such order, the Superintendent may pay the sum specified in the order to or on behalf of the claimant; and the provisions of section seventy-nine shall, *mutatis mutandis*, apply to the recovery of any sum so paid.

CHAPTER V.

TRANSPORT BY RIVER.

A.—Passenger-vessels.

Transport by sea to Chittagong.

86. Nothing in this chapter shall apply to the transport by sea of natives of India to the labour-districts of Chittagong and the Chittagong Hill Tracts.

Vessels to carry more than 20 passengers must be licensed.

87. No master shall receive more than twenty passengers being natives of India on board his vessel for the purpose of transporting them to a labour-district unless a license to carry passengers in such vessel has been granted to him by an Embarkation Agent duly empowered in that behalf by the Local Government.

Power to exempt vessels.

The Local Government may, by notification in the official Gazette, exempt from the provisions of this section any vessel or class of vessels.

Application for license.

88. The master or owner of any vessel who desires to obtain a license under this Act to carry passengers in such vessel shall make a written application for a license to an Embarkation Agent empowered as aforesaid.

Contents of application.

Every such application shall state such particulars respecting the vessel as the Local Government may by rule prescribe.

Grant of license.

89. If such Embarkation Agent is of opinion that the vessel is in all respects suitable for carrying passengers being natives of India to a labour-

district, he shall give to the master of the vessel a license to carry passengers therein, specifying the number of passengers being natives of India which may be received on board.

Fee for license.

90. Such fee, not exceeding sixteen rupees, as the Local Government may with reference to the size of such vessel by rule direct shall be paid for every such license. No such license shall be in force for more than one voyage:

Provision for annual licenses.

Provided that the Embarkation Agent may, from time to time, with the previous sanction of the Local Government, grant a license to the master of any vessel for any term not exceeding one year, on payment of such fee not exceeding one hundred rupees, and on such conditions, as the Local Government may by rule direct.

Embarkation Agent may limit number to be received on board on any particular voyage.

91. Any Embarkation Agent may, in accordance with such rules as the Local Government may prescribe in this behalf, direct by order in writing that, on any particular voyage or part of a voyage, any master licensed hereunder shall not receive on board his vessel more than a specified number of passengers being natives of India, which number shall be less than the number specified in the license granted to such master.

Two children under ten to be counted as one person.

92. In computing the number of persons on board of any vessel, two children under the age of ten years shall for the purposes of this Act be reckoned as one person only.

Master to make returns.

93. Every master to whom a license is granted hereunder shall keep such lists, submit such returns and make such reports in regard to the passengers carried in his vessel as the Local Government may by rule prescribe.

Provisions, clothing, medical and other officers, cooks, &c.

94. Every such master shall have on board his vessel carrying labourers and their dependents such supplies of provisions and clothing, and such medical and other officers, cooks and attendants, as the Local Government may by rule prescribe.

Medical officer to be licensed

95. No medical officer shall be appointed to any vessel in respect of which a license is granted hereunder unless he holds a license granted by such authority as the Local Government may appoint in that behalf; and any medical officer so licensed shall be forthwith removed from his appointment on the requisition of any officer empowered by the Local Government to make such requisition.

B.—Departure of Passenger-vessels and Procedure during Voyage.

Embarkation Agent may order departure of vessel if delay occurs.

96. Whenever it appears to any Embarkation Agent that the departure of any vessel in respect of which a license is granted hereunder is unduly delayed beyond the date fixed by order of a Superintendent or the Local Government, or notified by advertisement in the public press, for such departure, he may order the master of such vessel to proceed on his voyage at once.

97. No master licensed hereunder shall proceed on a voyage with his vessel carrying labourers until he has received from the Embarkation Agent the way-bills relating to all labourers on board. The Embarkation Agent and the master of the vessel shall together personally ascertain that the number of labourers on board corresponds with the number entered in such way-bills.

Master to receive way-bills from Embarkation Agent.

The Embarkation Agent shall send a copy of such way-bills to the Magistrate of the labour-district to which such labourers are proceeding.

98. No such master shall cause or permit any labourer finally to leave his vessel at any place other than that named in the way-bill as the destination of such labourer:

Labourers not allowed finally to leave vessel at any place other than that mentioned in way-bill.

Provided that this section shall not be deemed to prevent the master of any vessel from permitting such labourers to disembark at any place or places on the voyage so long as such disembarkation is not intended or known to be likely to be final; nor to prevent the final disembarkation of any such labourers, or the transfer of such labourers with their dependents to any other vessel in case of accident or other unavoidable necessity. Such accident or necessity shall be forthwith reported by the master to the Embarkation Agent by whom he was licensed, and to the nearest Magistrate in the district within which such accident has occurred or necessity has arisen.

99. Every master licensed hereunder shall stop his vessel carrying passengers being natives of India at such places, being places where a Magistrate is stationed, and shall, unless the Magistrate permits him to depart earlier, remain at each such place for such time, not exceeding six hours of daylight, as the Local Government may direct. Such master shall, on arriving at any such place, immediately report to the Magistrate the number of the crew and other persons on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on board his vessel.

Master to stop his vessel at certain places where there is a Magistrate.

100. A Magistrate may, while any vessel in respect of which a license is granted hereunder is within the local limits of his jurisdiction, go on board such vessel and inspect the vessel and all persons being natives of India on board. The master and officers of such vessel shall afford to such Magistrate every facility for such inspection, and give him all such information as he may reasonably require respecting the labourers or other persons on board, the deaths, if any, which may have occurred on board, and any other facts which may affect the health of the passengers.

Magistrate may at any time inspect vessel.

Master bound to give all information required.

101. At any time while any such vessel is within the local limits of his jurisdiction, the Magistrate may regulate the communication between such vessel and the land, and may prohibit all persons from leaving such vessel and all persons on land from proceeding on board her.

Magistrate may regulate communication between vessel and land.

Magistrate may detain vessel for inspection and for removal of disease, and may detain sick native passengers.

102. Any Magistrate may, if he has reason to believe that any passengers being natives of India on board any such vessel within the local limits of his jurisdiction are, or are likely to be, affected with any dangerously infectious or contagious disease, detain such vessel and require the civil medical officer of the district or other qualified medical officer to inspect such passengers and to report on their health, stating whether any or what measures are requisite for the removal or prevention of such disease. After the receipt of such report, the Magistrate may order any such passenger suffering from any such disease to be disembarked and detained for medical treatment. If in the opinion of the inspecting medical officer it is dangerous to the health of the general body of the passengers to allow such vessel to proceed until measures have been taken to cleanse and disinfect her, the Magistrate may detain the vessel for a further period, not exceeding three days, for the purpose of carrying out such measures.

Magistrate may detain sick labourers;

and shall arrange for their accommodation and treatment.

103. If, on receiving a report of a medical officer, it appears to a Magistrate that any labourer or any dependent of any labourer, though not suffering from any such disease as last aforesaid, is not in a fit state of health to proceed to the labour-district in which such labourer has contracted to labour, he may order such labourer or dependent to be detained, and shall cause all necessary arrangements to be made for the accommodation, support and medical treatment of the labourer or dependent so detained.

Expenses how to be recovered.

104. All expenses incurred under section one hundred and three by a Magistrate in respect of any labourer or dependent so detained shall be recoverable from the employer of such labourer together with interest at six per centum per annum.

Measures to be taken if excess number of native passengers is found on board.

105. Whenever it appears to a Magistrate making an inspection of any vessel in respect of which a license is granted hereunder that the number of passengers on board being natives of India is larger than the number specified in such license or than the number specified in an order of an Embarkation Agent made under section ninety-one, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found. The necessary expense of maintaining such passengers while so detained and of forwarding them to their destination shall be paid by such Magistrate, and shall be recoverable from the master or owner of such vessel.

Infraction of the Act and rules to be reported.

106. Whenever, on making an inspection of any vessel in respect of which a license is granted hereunder, a Magistrate finds that any of the provisions of this Act or of any rule of the Local Government made hereunder have not been complied with in respect of such vessel, he shall report the same to the Embarkation Agent by whom such license was granted; and, if he considers

it necessary to do so, he may detain the vessel until such provisions have been so complied with as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

Vessel may be detained.

107. The Local Government may make rules regulating—

(*a*) the disembarkation of labourers and their dependents, and their inspection and accommodation on arrival at their destination;

(*b*) the detention of such labourers or dependents at debarkation-depôts;

(*c*) the forwarding of labourers to their destination and the closing and return of way-bills by employers.

Power to make rules regulating disembarkation and other matters.

All expenses incurred by any Magistrate or Debarkation Agent in accordance with such rules shall be recoverable from the employers of such labourers together with interest at the rate of twelve per centum per annum.

108. The Magistrate of a district, or of a division of a district, may from time to time authorize any subordinate Magistrate, medical officer or officer of police above the rank of sub-inspector to exercise the powers and authorities conferred, and to perform the duties imposed, on a Magistrate under sections ninety-nine to one hundred and six, both inclusive.

Magistrate may depute a subordinate Magistrate to discharge the functions of the Magistrate.

CHAPTER VI.

PROVISIONS AS TO THE LABOUR-DISTRICTS.

A.—Annual Rate payable by Employers.

109. Every employer shall, on the first day of January and the first day of July in each year, pay in respect of each labourer then in his employ such rate, not exceeding an annual sum of one rupee, as the Local Government may by notification in the official Gazette direct.

Annual rate payable by employer.

110. If any employer fails, for the space of one month after the receipt of a notice in such form and served in such manner as the Local Government may prescribe, to pay any sum due by him under the provisions of the last preceding section, such sum shall be recoverable as if it were an arrear of land-revenue due from such employer.

Payment of rate how to be enforced.

B.—Local Labour-contracts.

111. Notwithstanding anything hereinbefore contained, any employer may enter into a labour-contract with any native of India within a labour-district. When any employer has executed any such contract with any such native within a labour-district, he shall, within one month from the date of the execution of such contract, forward it in duplicate to the Inspector within the

Labour-contracts made within labour-districts.

local limits of whose jurisdiction such employer resides. On receipt of the contract so forwarded, the Inspector shall enter an abstract thereof in a register to be kept by him for the purpose, and shall then give one copy of the contract to the labourer and the other copy to his employer.

Registration of such contracts.

When such contracts may be cancelled.

When, for the first time after the registration of any such contract with a labourer, the Inspector visits the estate on which such labourer is employed, the employer shall cause such labourer to appear before the Inspector, and such labourer may thereupon apply to the Inspector to cancel the contract; and, if he shows cause sufficient in the opinion of the Inspector to justify the cancellation, the Inspector may cancel the contract, and shall thereupon endorse on the labourer's copy of the contract, or if such copy be not forthcoming, shall give to the labourer, a certificate of such cancellation.

Execution of labour-contract before Inspector or Magistrate.

112. Any employer desirous of entering into a labour-contract with any native of India in a labour-district may, instead of executing such contract under section one hundred and eleven, appear either in person or by agent with such native before the Inspector or Magistrate within the local limits of whose jurisdiction such employer resides.

Such Inspector or Magistrate shall thereupon explain the labour-contract to such native, and shall, if satisfied that he is competent to enter into and understands the same, call upon him and the employer or his agent to execute it in his presence; and, if they execute it, shall attest such execution with his signature.

An abstract of every such labour-contract shall be entered in a register to be kept by the Inspector or Magistrate for the purpose; and one copy of such contract shall then be given to the labourer and the other copy to his employer or his agent.

In respect of every labour-contract an abstract whereof is registered under section one hundred and eleven or under this section, the employer who executes such contract in person or by agent shall pay to the Inspector or Magistrate such fee, not exceeding one rupee, as the Local Government may direct.

C.—Employers' Returns and Magistrates' Inspections.

Registers to be kept and returns made by employers.

113. Every employer shall keep such registers of all labourers and other persons employed on the estate of which he is in charge, in such form, and shall make to the Inspector within the local limits of whose jurisdiction such estate is situate such periodical returns in writing, as the Local Government may by rule prescribe. The Inspector may examine such registers and muster all labourers and other persons employed on any estate within such local limits, and may verify the accuracy of the entries in such registers, or in any prescribed periodical return.

114. Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may at any time enter and inspect all lands and houses wholly or partially used by or for labourers, or by or for any other natives of India employed on any estate who are not natives of the labour-district in which such estate is situate, and may require that any labourer or other such native shall be brought before him, and that a copy of the labour-contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of any labourer or other such native.

Inspector and Magistrate may at any time inspect lands, &c., used by labourers, &c.

D.—Regulation of Labour.

115. Every employer shall prepare a schedule specifying the daily task to be executed by each labourer employed on the estate of which such employer is in charge, and may from time to time alter any schedule so prepared.

Schedule of task-work to be prepared.

One copy of every such schedule shall be filed in a book which shall be open to the examination of the Inspector, and another copy thereof in the Bengáli language shall be stuck up in some conspicuous place accessible to the labourers to whom such schedule relates.

The minimum payment for each daily task shall be the quotient resulting from dividing the monthly wage of the labourer concerned by the whole number of days in the current month.

116. No labourer shall be bound to labour more than six days in one week, or more than six consecutive hours, or more than nine hours in any one day. Every labourer shall, for one day in each week, receive wages as for a full task done, without being required to labour for the same. The employer shall, on six days in each week, provide for each labourer work sufficient to enable him to earn at least his minimum daily wage. Failing such due provision of work, the labourer shall, if he can show that he was able and willing to labour for the same, be entitled to claim his minimum daily wage.

Limitations and conditions of task-work.

117. If the Inspector considers that any schedule of daily tasks, or any part thereof, is unreasonable, he may by order in writing direct that a reduction specified in such order be made of such tasks. The employer shall at once make such reduction, but may, if dissatisfied with the Inspector's order, by notice in writing require the Inspector to refer the schedule to a committee for consideration. Such committee shall consist—

Provisions for revision of schedule by Inspector subject to appeal to committee.

(*a*) of the Inspector,

(*b*) of some person to be nominated by the employer whose schedule is to be considered, and,

(*c*) if practicable, of a medical officer.

Where the employer fails to nominate a person within seven days after

being thereunto requested in writing by the Inspector, the Inspector, instead of the employer so failing, may nominate a person

When the committee consists only of the Inspector and of a person nominated by the employer or Inspector, the Inspector shall have the casting vote

Committee to revise schedule

118 If such committee, or a majority thereof, is of opinion that the daily tasks specified in such schedule or any of them are unreasonable, they shall modify and reduce them in such manner as they think fit The employer shall thereupon alter his schedule accordingly, and copies of the schedule so altered shall be filed and stuck up in the manner directed in section one hundred and fifteen, and shall, as between him and the labourers concerned, take the place of the former schedule

Provision for weakly labourers

119 Notwithstanding anything contained in any such schedule, the Inspector may order that any specified labourer, who is in his opinion unable from weakness to earn by his labour the sum of one anna and a half per diem, according to the said schedule, shall receive, in lieu of such actual earnings, subsistence allowance at the rate of one anna and a half per diem, or diet on a scale to be approved by such Inspector Such subsistence allowance shall be recoverable as if it were an arrear of wages

E—Incapacity for Labour

Inspector may suspend contract of any labourer temporarily unfitted for labour

120 The Inspector within the local limits of whose jurisdiction any labourer is employed may release such labourer, for such period as he thinks fit, from performing his labour contract, if he be, in the judgment of such Inspector, temporarily unfitted for the performance thereof by reason of sickness, or other sufficient cause

Every such release shall be endorsed by the Inspector on the labour-contract, and the time during which the release continues shall not be reckoned as part of the term for which the labourer is bound to serve Every such labourer shall, during such release, receive such subsistence allowance from his employer as the Inspector thinks sufficient

Labourer absent from sickness

121 If any labourer is compelled to absent himself from work on account of sickness he shall receive from his employer for each day of such absence subsistence allowance of one anna and a half, or, if in hospital, sick diet on a scale to be approved by the Inspector

If such absence exceeds the total number of thirty days in any one year, and the employer, as soon as such number is exceeded, gives the labourer a notice in writing to that effect, each day of absence in excess of such number shall be added to the term of the labour-contract, unless the labourer refunds to the employer the sum of one anna and a half for each day so in excess The Inspector shall from time to time, when visiting the estate, endorse on the

labourer's labour-contract, after such enquiry as may be necessary, the number of days so added to the term thereof

122 If, in the opinion of the Inspector, any labourer is permanently incapacitated for the performance of his labour contract or any material part thereof, the Inspector shall certify to that effect in writing and deliver such certificate to the employer of such labourer or his agent, and from the date of such certificate the labour contract of such labourer shall wholly determine Every labourer whose labour contract so determines shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the Inspector may award

Discharge of labourer permanently incapacitated

Such sum and any subsistence allowance mentioned in sections one hundred and twenty and one hundred and twenty one shall be recoverable as if they were arrears of wages

F—Accommodation for Labourers

123 Every employer shall be bound to provide for the labourers employed on the estate of which he is in charge such house-accommodation water supply and sanitary arrangements as the Local Government may by rule direct.

House accommodation, water supply and sanitary arrangements to be provided

124 When the food grain commonly used by any class of labourers is not procurable by such labourers at reasonable prices in the local markets near the estate of which such labourers are employed, the employer of such labourers shall be bound to supply them with such grain at a reasonable price. The Local Government may by notification in the official Gazette determine, either generally or for each district or part of a district, what shall for the purposes of this section be deemed to be a reasonable price

Supply of food grain by employer

125 Subject to any rules which may be made by the Local Government in this behalf, any Inspector may, by order in writing,

Provisions for rationing

(*a*) direct that, on any specified estate within the local limits of his jurisdiction, all the labourers or any specified class of labourers shall be furnished by their employer with rations, cooked or uncooked, on such scale, for such period not exceeding three months from the date of their arrival on the estate, as may be specified in such order,

(*b*) exempt any specified labourer from the effect of any such general order if he is satisfied that such labourer is able to earn a full wage and desires to provide himself with proper and sufficient food,

(*c*) direct that any specified labourer shall be furnished with rations for any term not exceeding six months, and renew any such order for a like term

The cost of each labourer's ration furnished to him in accordance with any order made under this section shall be calculated at current rates as determined

by the Inspector, and shall be deducted from any wages earned by the labourer during the period for which such order is in force.

Provision for hospital-accommodation and medical attendance.

126. If any employer does not, in the opinion of the Inspector, provide such hospital-accommodation in a suitable place available to the labourers employed upon the estate of which he is in charge, or does not make such provision for the medical treatment of such labourers, as the Local Government may direct, the Local Government may require such employer to contribute to the support of a central hospital to be established, or to the pay of a medical officer to be appointed, for the medical treatment of such labourers, such sum, proportionate to the number of labourers so employed, as it thinks fit.

Inquiry whether employer has failed to provide accommodation, &c., as required by the rules.

127. Any Inspector or Assistant Inspector who is himself a Magistrate may, with respect to any estate situate within the local limits of his jurisdiction, institute an inquiry whether the employer in charge of such estate has provided for his labourers house-accommodation, water-supply, sanitary arrangements, food-grains and rations in accordance with the rules prescribed by the Local Government. At the instance of any Inspector or Assistant Inspector a similar inquiry may be made by a Magistrate. Every such inquiry shall be held at some place on the estate to which it relates, or within ten miles of such estate, and shall be conducted and dealt with as if it were an inquiry of a Magistrate under the Code of Criminal Procedure.

G.—Localities unfit for the Residence of Labourers.

Inspector to report.

128. If in the opinion of the Inspector any estate or portion of an estate situate within the local limits of his jurisdiction is at any time, by reason of climate, situation or condition, unfit for the residence of labourers, or of any particular class of labourers, he shall give notice in writing of such opinion to the Magistrate of the district; and such Magistrate shall forthwith, by order in writing, summon a Committee to inquire into the matter.

Magistrate to summon Committee.

Such Committee shall consist of the Magistrate, the Inspector, the medical officer of the district and one or more employers of labourers, when such employers are available.

If the Magistrate is unable to procure the service on such Committee of any employer of labourers, he may, with the previous sanction of the Commissioner of the division, appoint one or more persons qualified to serve on such Committee.

Proceedings of Committee.

129. Such Committee shall as soon as may be enquire into the healthiness of the estate or portion to which the order appointing the Committee relates, and shall hear and record such information on the subject as the owner of such estate or portion, or the employer in charge thereof or the Inspector, may desire to place before it.

If such Committee or the majority thereof is of opinion that such estate or portion, or any part of such estate or portion, is unfit for the residence of labourers generally, or of any particular class of labourers, it shall record a finding to that effect.

If Committee finds estate unfit, labour-contract to be void as regards such estate.

When such finding has been recorded, no labourer, or no labourer of the particular class to which such finding relates, as the case may be, shall be bound by any labour-contract to labour on the estate or portion, or part of such estate or portion, as the case may be, which is found unfit for the residence of such labourers.

When any labourer is released under this section from the performance of a labour-contract to labour on any estate, he shall be bound to labour on any other estate belonging to his employer and situate in the same labour-district; or, where the finding relates only to a portion or part of an estate, on any other portion or part of the same estate.

Labourer bound to labour elsewhere.

130. Whenever it appears to the Local Government that the number of labourers employed on an estate who have died thereon, or on any portion thereof, during the last preceding twelve months, or that the average annual number of labourers employed on an estate who have died thereon or on any portion thereof during the last preceding three years, bears a larger proportion to the whole number of labourers employed thereon during such period of twelve months or three years, as the case may be, than seven per centum, the Local Government may direct the civil medical officer of the district or other qualified medical officer to enquire into and report on the following matters:—

Local Government how to proceed if mortality in past year exceeds seven per cent., or if the average mortality for three years exceeds seven per cent. Matters to be enquired into.

(*a*) the cause or causes of such mortality;

(*b*) the want (if any) of due care or precaution, and of the adoption of proper and available sanitary measures, on the part of the owner of such estate or portion thereof, or the employer in charge of such estate or portion, causing or contributing to such mortality;

(*c*) the fitness or otherwise of such estate or portion for the residence of labourers.

131. Such medical officer shall, as soon as may be, enquire into such matters, and shall hear and record such information relating thereto as the owner of such estate or portion, or the employer in charge of the same, or the Inspector, may place before him, and shall visit and inspect such estate or portion, and shall make a report expressing the reasons for his opinion, and transmit the same to the Local Government together with the information so recorded and the notes of his inspection of such estate or portion.

Medical officer to report.

132. If the Local Government, after perusal and consideration of the said report, information and notes, is of opinion that such mortality was caused by the want, on the part of the owner of such estate or portion, or the employer

Local Government may declare estate unfit for residence.

in charge of the same, of due care or precaution, or of the adoption of proper and available sanitary measures, and that such estate or portion is thereby rendered unfit for the residence of labourers, it may declare in writing that such estate or portion is unfit for the residence of labourers. Such declaration of the Local Government shall have the same effect as the finding of a Committee under section one hundred and twenty-nine.

Effect of declaration

Power to certify fitness of estate or portion found or declared to be unfit.

133. If it at any time appears to the Inspector that any estate or portion thereof, or any part of such portion, found under section one hundred and twenty-nine, or declared under section one hundred and thirty-two, to be unfit for the residence of labourers, or any particular class of labourers, has become fit for the residence of such labourers or such particular class of labourers, as the case may be, he shall, with the previous sanction of the Magistrate of the district in which such estate, portion or part is situate, give a certificate to that effect signed by him. Thereupon all labourers who have been released under section one hundred and twenty-nine or section one hundred and thirty-two from the performance of a contract to labour on such estate, portion or part, shall again be bound to labour on the entire estate, portion or part, as the case may be, to which the certificate relates.

H.—Complaints made by Labourers.

If labourer wishes to complain of personal ill-usage or breach of Act, employer to send him to Inspector or Magistrate.

134. If any labourer states to his employer, or any person acting on behalf of his employer, that he desires to make a complaint to the Inspector or to any Magistrate of personal ill-usage or breach, on the part of his employer or such person, of any provisions of this Act or of any rule of the Local Government made hereunder, the person to whom such statement is made shall forthwith send such labourer to the Inspector or Magistrate within the local limits of whose jurisdiction the estate wherein he is employed is situate: Provided that, if more than ten labourers at any one time so state their desire to make such a complaint, the person to whom the statement is made may, instead of sending such labourers to such Inspector or Magistrate, give him notice in writing of their complaint.

Inspector or Magistrate how to proceed if complaint is made to him, or if he has reason to believe that there is ground for a complaint.

135. Whenever any such complaint is made to an Inspector or Magistrate, or whenever any Inspector or Magistrate receives notice in writing of any such complaint, or has other reasonable grounds for believing that any employer or person acting on his behalf has personally ill-used, or committed any breach mentioned in section one hundred and thirty-four in respect of, any labourer, such Inspector or Magistrate shall, as soon as may be, proceed to some place not more than ten miles from the principal place of business of such employer situate within the local limits of his jurisdiction, and enquire into the matter complained of:

Provided that, if the place in which an Inspector or Magistrate has reasonable grounds for believing that such ill-usage or breach has been committed is situate beyond the local limits of his jurisdiction, he shall, instead of enquiring into the matter himself, forthwith send information thereof in writing to the Inspector or Magistrate within the local limits of whose jurisdiction such ill-usage or breach has been committed.

For the purposes of an enquiry under this section, the Inspector or Magistrate may summon and examine any person as a witness.

Power to summon witness.

136. If, upon such enquiry made on the complaint of a labourer, the Inspector or Magistrate is of opinion that the complaint is untrue or frivolous or vexatious, he shall dismiss the complaint; and in such case shall endorse on the employer's copy of the complainant's labour-contract the number of days during which the complainant has been absent from work in consequence of the enquiry, and the number of days so endorsed shall be added to the period for which the complainant contracted to labour.

If complaint is untrue or frivolous.

Every such endorsement shall be conclusive evidence that the complainant has absented himself from his labour voluntarily and without reasonable cause during the number of days so endorsed.

137. When any complaint is dismissed under section one hundred and thirty-six, the Inspector or Magistrate may award to the employer any reasonable compensation on account of any expense incurred by him in connection with such complaint, and shall endorse the amount of such compensation on the complainant's copy of the labour-contract. The complainant shall be bound to pay the amount so awarded; and in default of such payment his labour-contract shall not be deemed to have determined until he has worked off such amount at the rate of one day's labour for each four annas of such amount.

Award of compensation to employer.

138. If, upon such enquiry by a Magistrate or by an Inspector who is a Magistrate, such Magistrate or Inspector is of opinion that there is sufficient ground for proceeding with the case, he shall dispose of the same according to law. If the Inspector is not a Magistrate and is of such opinion, he shall without delay send the complainant and his witnesses (if any) to the nearest Magistrate; and such Magistrate shall thereupon dispose of the case according to law.

If on enquiry there is sufficient ground for proceeding.

139. If, upon the complaint of any labourer, it is proved to the satisfaction of a Magistrate that the wages of such labourer are in arrear for two months, or if the wages of any person whose labour-contract has determined are proved to the satisfaction of a Magistrate to have been withheld for any period after such determination, the Magistrate may award to such labourer or person the amount which appears to be then due to him; and also, by way

Recovery of arrears of wages.

Compensation may be given

of compensation, such further sum, not exceeding that amount, as to such Magistrate seems just; and, in case of default in payment of the amount so awarded, the Magistrate shall levy such amount by distress and sale of any moveable property belonging to the employer of such labourer or person.

Power to cancel contract on conviction of employer,

140. Whenever it is proved to the satisfaction of a Magistrate—

(*a*) that any employer, or any person placed by him in authority over any labourer, has been convicted of any offence causing injury to the person, or loss or damage to the property, of such labourer and under the Code of Criminal Procedure triable exclusively by the Court of Session, or

(*b*) that any employer, or other person as aforesaid, has been twice convicted of any such offence against such labourer and under the said Code triable by a Magistrate, or

or if wages are in arrear for more than four months,

(*c*) that the wages of any labourer are in arrear to an amount exceeding the whole of such labourer's wages for four months, or

or if ill-usage is proved

(*d*) that any labourer has been compelled by his employer or by any person placed by his employer in authority over him to perform any labour while he was unfit for it, or has been subjected to ill-usage by his employer or any such person,

such Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour-contract of such labourer, and award to him compensation not exceeding thirty rupees.

Every such cancelment shall be certified by the Magistrate on the back of the labourer's copy of the labour-contract, or, if the same be not forthcoming, by writing under the Magistrate's hand delivered to the labourer.

I.—Determination of Labour-contract.

Endorsement of determination on labour-contract.

141. Whenever a labour-contract determines, the employer shall endorse on the labourer's copy of the contract the fact of such determination, or, if such copy be not forthcoming, shall give to the labourer a certificate of such determination; and, if the employer refuses or neglects to do so, the Inspector may, on application by the labourer, make such endorsement or give such certificate.

The employer shall give to the Inspector notice in writing of such determination within one month from the date thereof.

Power to redeem labour-contract.

142. If any labourer is able and desirous to redeem the unexpired term of his labour-contract or of the labour-contract of any member of his family, by payment of a sum equivalent to the value of such unexpired term, such labourer may require his employer to take him, or allow him to go, before the Inspector within the local limits of whose jurisdiction he may be employed; and, on his depositing such sum with such Inspector, the Inspector shall

give notice to the employer that the labourer requires him, within one week, to show cause why the labourer, the unexpired term of whose contract is proposed to be redeemed, should not be released from his contract. If no sufficient cause is shown, the Inspector shall require such labourer's copy of the contract to be produced, and on production thereof shall endorse thereon a certificate that he has been released under this section from such contract, or, if such copy be not forthcoming, shall deliver to the labourer a certificate under his hand to that effect; and shall in either case hold the sum so deposited to the credit of the employer of such labourer.

Value of unexpired term of labour-contract.

The value of the unexpired term of a labour-contract shall, for the purposes of this section, be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year, and of five rupees for every such month of the third, fourth and fifth years of the original term of the contract.

CHAPTER VII.

SUPPLEMENTARY POWERS.

Power of the Local Government to make rules.

143. The Local Government may make rules consistent with this Act—

(*a*) to define and regulate the powers and duties of the several officers appointed by it under this Act;

(*b*) to prescribe what returns and reports shall be made under this Act by any such officers or by any contractors or local agents within the territories under its administration and the form in which they shall be respectively so made;

(*c*) to prescribe the forms of all registers, licenses, certificates and notices required under this Act with respect to the territories under its administration;

(*d*) to prescribe the particulars to be registered by a Registering officer in respect of each person who is brought before him in any district under its administration for registration as a labourer or dependent;

(*e*) to prescribe the fees to be paid for any license granted under this Act by any officer appointed by it and for the registration of labourers or dependents in any district under its administration;

(*f*) to prescribe the conditions upon which any officer appointed by it may grant licenses to masters of vessels carrying passengers to any labour-district; to provide for the ventilation, cleanliness and water-supply of such vessels in respect of which licenses are granted hereunder by any such officer; and to prescribe the lists, returns and reports to be kept and submitted by the masters of such vessels;

(*g*) to prescribe the description, quantity and quality of provisions, medical drugs and other stores to be taken on board such vessels carrying labourers when such vessels are within the territories under its administration, and the daily allowance to be issued to each labourer and dependent during the journey through such territories; to prescribe the number of officers, cooks and other servants to be carried on board such vessels, and to provide generally for the accommodation of labourers and their dependents on such vessels;

(*h*) to provide for the accommodation, food, clothing and medical treatment of all labourers and dependents detained on account of sickness by order of a Magistrate at any place within any district under its administration;

(*i*) to declare the routes through the territories under its administration, by which labourers and their dependents shall not travel to the labour-districts.

(*j*) to prescribe the house-accommodation, water-supply, sanitary arrangements and amount and kind of food-grains to be provided by employers for their labourers, and to regulate the rations to be supplied to labourers under this Act in the labour-districts under its administration;

(*k*) to provide for the hospital-accommodation and medical treatment of labourers in such labour-districts, and to prescribe the nature quality and quantity of medical drugs and other stores to be provided for such labourers;

(*l*) to provide for the management and regulation of contractors' depôts and of hospital-depôts situate within the territories under its administration, and for the support and medical treatment of labourers and their dependents passing through such depôts;

(*m*) to prescribe the clothing to be supplied to labourers and their dependents while proceeding to the labour-districts through the territories under its administration; and, generally,

(*n*) to give effect to the provisions of this Act within the districts subject to its administration.

Special power of the Lieutenant Governor of Bengal and Chief Commissioner of Assam.

144. The Lieutenant-Governor of Bengal and the Chief Commissioner of Assam may further respectively make rules consistent with this Act to provide for the detention and inspection of vessels in respect of which licenses are granted hereunder and passengers being natives of India carried thereon while in transit through the territories respectively administered by them.

Power to prescribe penalties.

145. The Local Government may, subject to the control of the Governor General in Council, by rule prescribe as a penalty for the infringement of any

rule made by it hereunder, or of any provision of this Act for a breach of which a penalty is not expressly provided, a fine which may extend to five hundred rupees.

All rules made under this Act by the Local Government shall be published in the local official Gazette, and shall thereupon have the force of law. Publication of rules.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

146. Whoever knowingly induces or assists, or attempts to induce or assist, any native of India to emigrate in contravention of a notification published under section five shall be punished with fine which may extend to fifty rupees for every such native whom he so induces or assists, or attempts to induce or assist. Inducing native to emigrate in contravention of a notification under section 5.

147. Whoever, being a recruiter,

removes, or attempts to remove, any person to a depôt before he has been registered under section thirty-two, or induces or attempts to induce him to go to a depôt or to leave the local limits of the jurisdiction of the Registering officer before whom such person ought to be brought under section thirty-one, or aids or attempts to aid such person in going to a depôt or in leaving any such local limits, before he has been so registered, Recruiter removing, &c., unregistered persons.

or induces or attempts to induce any person who has been so registered to proceed to any place other than the depôt which has been established by the contractor on whose behalf such recruiter is licensed, or conveys or attempts to convey him to such place,

shall be punished in respect of every such person with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

148. Whoever, being a recruiter or a person deputed by him to accompany labourers to a depôt, fails to provide any labourer or any dependent whom he accompanies on the journey to the depôt with proper and sufficient food and lodging, or otherwise ill-treats such labourer or dependent on such journey, shall be punished with fine which may extend to fifty rupees; and, in default of payment of such fine within twenty-four hours, with imprisonment for a term which may extend to one month. Recruiter not supplying proper food, &c.

The convicting Magistrate may award the whole or any portion of any fine levied under this section as compensation to the labourer in respect of whom, or of whose dependent, such failure or ill-treatment has occurred.

149. Any labourer engaged by a recruiter and who, having been registered under section thirty-two, without reasonable cause refuses or neglects when Labourer refusing without

reasonable cause to execute contract at depôt.

at the depôt to execute, within thirty days after his arrival at such depôt, a labour-contract in conformity with the terms made known to him when he was registered, shall be punished with fine which may extend to the amount of the expense incurred in registering him and conveying him to the depôt and maintaining him therein; and, in default of payment of such fine, with imprisonment for a term which may extend to one month.

Any labourer so punished may be forthwith discharged from the depôt.

Every fine levied under this section shall be paid to the contractor, sub-contractor or recruiter by whom such expense was incurred.

Labourer refusing to execute contract with garden-sardár.

150. Any labourer registered under section sixty-six who, without reasonable cause, refuses or neglects to execute, within fifteen days from the day on which he was so registered, a labour-contract in conformity with the terms made known to him when he was registered, shall be punished with fine which may extend to twenty rupees or to the amount of the expense reasonably incurred by the garden-sardár in procuring his registration, whichever amount is least.

Every fine levied under this section shall be paid to the garden-sardár by whom such expense was incurred.

Garden-sardár failing to report himself,

151. Whoever, being a garden-sardár,

fails, within fourteen days after his arrival in the local area within which he is authorized to enter into contracts under this Act, to report himself to the local agent (if any) specified in his certificate, or

removes or attempts to remove any person to a labour-district before he has been registered as provided by section sixty-six, or

induces or attempts to induce any person to go to a labour-district or to leave the local area specified in the certificate of such sardár before he has been so registered, or aids or attempts to aid him in proceeding to a labour-district or in leaving any such local area before he has been so registered, or

fails without sufficient cause to return to his employer within the time specified in his certificate, or

fails to account for the money advanced to him by his employer for the purpose of engaging labourers, and

whoever being a garden-sardár or a person appointed under section fifty or section seventy-three to accompany labourers to a labour-district wilfully abandons any labourer or his dependent on the way to such district,

shall be punished with imprisonment for a term which may extend to one month.

Garden-sardár making over labourers to

152. Any garden-sardár who

makes over to any contractor, sub-contractor or recruiter, or to the garden-

sardar or local agent of any employer other than the employer by whom his certificate was granted, any persons engaged as labourers by him, or

allows any persons engaged as labourers by any other contractor or sub-contractor or recruiter to share the accommodation provided by him under section fifty-seven, or

places any person engaged as a labourer by him in a contractor's depôt or in the place of accommodation provided by a recruiter in accordance with the provisions of section twenty seven,

shall be punished with fine which may extend to ten rupees, and his certificate may be impounded by the convicting Magistrate

Any Magistrate impounding a certificate under this section shall send it for cancellation to the Magistrate by whom it was countersigned

contractors, &c

153 Any garden sardar or person appointed by him as provided by section seventy three, who accompanies labourers to the labour districts, and fails to present a way bill as required by section seventy-six or to carry out any of the instructions entered in such way-bill, shall be punished with fine which may extend to twenty rupees

Garden-sardar failing to comply with instructions endorsed on way bill

154 Any master not licensed under section eighty nine who, in contravention of section eighty seven, knowingly receives on board his vessel more than twenty passengers being natives of India, and

any master licensed as aforesaid who knowingly receives on board his vessel any such passengers in excess of the number specified in his license or in any order of an Emigration Agent under section ninety-one, for the purpose of transporting them to a labour district,

shall be punished with fine which may extend to two hundred rupees for each passenger so received

Nothing in this section applies to the master of a vessel exempted under section eighty-seven

Master receiving native passengers on board in contravention of Act.

155 Any master licensed under section eighty nine who with intent to defraud does or suffers to be done any act or thing whereby the state of his vessel is altered, so that such vessel is unfit for the accommodation of the number of passengers specified in his license or in any order made under section ninety one by an Emigration Agent, shall be punished with fine which may extend to two hundred rupees

Fraudulent alteration of vessel after grant of license

156 Any master licensed as aforesaid who proceeds on his voyage with his vessel carrying labourers without having complied with the provisions of section ninety four shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months

Master not complying with section 94.

157 Any master licensed as aforesaid who fails to comply with an order of an Emigration Agent made under section ninety-six shall be punished

Master not complying with order

under section 96.

with fine which may extend to two hundred rupees for each day during which he fails to comply with such order after the day on which the order was received by him.

Master permitting labourer to leave vessel contrary to section 98.

158. Any master licensed as aforesaid causing or permitting a labourer finally to leave his vessel contrary to the provisions of section ninety-eight shall be punished with fine which may extend to two hundred rupees for each labourer so leaving his vessel.

Master wilfully omitting to stop vessel at certain places.

159. Any master licensed as aforesaid who wilfully omits to comply with the provisions of section ninety-nine shall be punished with fine which may extend to two hundred rupees.

Person disobeying Magistrate's order as to communication between vessel and land.

160. Any person who disobeys any order made under section one hundred and one by a Magistrate shall be punished with fine which may extend to two hundred rupees.

Master or medical officer disobeying or neglecting to enforce rules.

161. Any master licensed as aforesaid, or any medical officer in charge of his vessel, who wilfully omits or neglects to obey or enforce on board of such vessel any provision of this Act or any rule made hereunder, shall be punished with fine which may extend to two hundred rupees.

Labourer deserting, &c., after registration.

162. Any labourer who, having been registerd under section thirty-two or section sixty-six, deserts while on his journey from the district in which he has been so registered to a labour-district, or

without reasonable cause refuses or neglects to proceed from the district in which he has been so registered, or to embark in any vessel when called upon to do so by an Embarkation Agent,

shall be punished with imprisonment for a term which may extend to three months.

Employer refusing or omitting to keep registers, &c.

163. Any employer who refuses or wilfully omits to keep such registers, or to make such periodical returns in writing to the Inspector, as may be prescribed by any rule made hereunder, or who knowingly keeps an incorrect register or makes an incorrect return, or who wilfully omits to prepare, file or stick up a schedule as required by section one hundred and fifteen, shall be punished with fine which may extend to two hundred rupees.

Employer or other person obstructing inspection under section 114.

164. Any employer, or any person acting under his orders or on his behalf, who wilfully obstructs any entry, inspection or inquiry made under section one hundred and fourteen shall for every such offence be punished with fine which may extend to two hundred rupees.

Employer or other person compelling

165. Any employer, or any person acting under his orders or on his behalf, who compels any labourer to perform any labour, knowing that he is at the

time unfit to perform such labour, shall be punished with fine which may extend to two hundred rupees.

Labourer to perform labour for which he is unfit.

166. Any person who buys the rations which have been furnished under section one hundred and twenty-five to any labourer, and any labourer who sells any such rations, shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month.

Persons buying labourer's rations.

167. Any employer who wilfully omits to provide house-accommodation, water-supply, sanitary arrangements, food-grains or rations in accordance with the provisions of this Act or any rule made hereunder, shall be punished with fine which may extend to five hundred rupees; and the convicting Magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order.

Employer omitting to provide house-accommodation, &c.

If the employer wilfully omits to comply with such order within the time so fixed, he shall be punished with fine which may extend to one hundred rupees for each day during which such omission continues.

If the employer fails to pay the last-mentioned fine, the person on whose account he has been acting shall be liable to pay such fine.

168. Any employer who fails to provide such hospital-accommodation for, or to make such provision for the medical care and treatment of, labourers, as is required by any rule made under this Act, shall be punished with fine which may extend to two hundred rupees for each week during which such default continues.

Employer neglecting to provide hospital-accommodation.

169. Where any estate or portion thereof has been found under section one hundred and twenty-nine, or declared under section one hundred and thirty-two, unfit for the residence of labourers or any class of labourers, as the case may be, every employer who, until a certificate has been given under section one hundred and thirty-three, causes or permits such labourers or class of labourers to reside or labour upon such estate or portion, shall be punished with fine which may extend to two hundred rupees.

Employer causing labourer to reside on estate declared unfit.

170. Every employer may, on or before the fifteenth day of each month, send to the Inspector a statement in writing containing the names of all or any of his labourers who, voluntarily and without reasonable cause, absented themselves from labour during the preceding month, and specifying the periods of such absence. When any employer sends any such statement in writing, he shall at the same time notify to each labourer concerned the fact that he has done so.

Unlawful absence from work.

Any Inspector who receives any such statement shall, when next visiting the estate on which the labourers to whom such statement relates are employed,

inquire into each such case of absence, in the presence of the labourer concerned, and, if satisfied that the labourer has voluntarily and without reasonable cause absented himself, shall, unless the labourer consents to forfeit to his employer the sum of four annas for each such day of absence, endorse such days of absence on the labour-contract of such labourer, and add them to the term of such contract.

Labourer absent without cause.

171. Any labourer who, voluntarily and without reasonable cause, absents himself from his labour for more than seven consecutive days, or for more than seven days in any one month, shall be liable to forfeit his wages for the period of such absence, and to pay to his employer a sum not exceeding four annas for each such day of absence, and shall also be liable to imprisonment for a term which may extend to fourteen days; and in case such absence has extended to twenty days in any two consecutive months, to imprisonment for a term which may extend to one month.

Explanation.—Ill treatment of such labourer by his employer, or failure of the employer to fulfil any condition of the labour-contract binding on the employer, is reasonable cause within the meaning of section one hundred and seventy and this section.

Deserter may be apprehended without warrant.

172. If any labourer deserts from his employer's service, such employer, or any person acting on his behalf, may, without a warrant and without the assistance of any police-officer, arrest such labourer wherever he may be found: Provided that, if such labourer be found within five miles of the place where a Magistrate resides or in the service of another employer, he shall not be arrested without warrant.

Every police-officer shall assist in arresting any such labourer if so required by the employer or person acting on his behalf.

Whoever arrests a labourer under this section shall without delay take him to the police-station nearest to the place of the arrest; and if he fails to do so shall be punished with fine which may extend to two hundred rupees.

Procedure at police-station.

173. The police-officer in charge of such station shall on the appearance of the parties take down in writing the statement of the person arresting the labourer, and shall then forthwith send the labourer to the nearest Magistrate.

Such Magistrate shall either inquire into and dispose of the case himself, or, if the estate of the employer from whose service the labourer deserted is not situate within the local limits of such Magistrate's jurisdiction, he shall forward the labourer to the Magistrate within the local limits of whose jurisdiction such estate is situate.

The Magistrate to whom the labourer is forwarded shall dispose of the case according to law.

174. Whenever an employer or a person acting on his behalf complains to a Magistrate that a labourer has deserted from his employer's service, such Magistrate may, without previously examining the complainant, issue a summons for the attendance of such labourer, or a warrant for his arrest, and fix a day for hearing the complaint. Procedure on complaint of desertion.

175. Every labourer who deserts from his employer's service shall be punished with imprisonment for a term which may extend to one month. For a second conviction for a like offence he shall be punished with imprisonment for a term which may extend to two months For a third and every subsequent conviction for a like offence he shall be punished with imprisonment for a term which may extend to three months. Punishment for desertion.

176. If it appears to the Magistrate trying a labourer for deserting from his employer's service that such labourer was arrested without sufficient cause, such Magistrate may impose a fine, which may extend to fifty rupees, on the employer or person acting on his behalf by whom, or at whose instance, such labourer was arrested. The Magistrate may in his sentence direct that the whole or any part of such fine be paid by way of compensation to the labourer so arrested. Compensation for wrongful arrest.

177. Whenever any labourer has actually suffered imprisonment for terms amounting in the whole to six months for desertion from his employer's service, the Inspector shall cancel the labour-contract of such labourer, and shall endorse on his copy of the contract a certificate of such cancellation; or, if such copy be not forthcoming, he shall give to the labourer a written certificate of such cancellation. Cancellation of contract by desertion.

178. Any labourer guilty of habitual drunkenness, or wilfully disregarding any sanitary regulation approved by the Inspector and duly notified for the guidance of the labourers on the estate on which such labourer is employed, shall be punished with fine which may extend to five rupees or with imprisonment for a term which may extend to one week. Penalty for drunkenness or neglect of sanitary regulations.

179. The employer of any labourer sentenced to imprisonment for any offence under this Act, or any person authorised to act in this behalf for such employer, may apply to the Magistrate, at any time previous to the expiry of such sentence, that such labourer be made over to him for the purpose of completing his labour-contract. On such application being made, the Magistrate may, if he thinks fit, order that such labourer be made over or forwarded to his employer; Portion of sentence may be cancelled on application of employer.

and in that case such Magistrate shall cancel the remainder of the sentence passed on the labourer, and shall endorse on his copy of the labour-contract a certificate of such cancellation, or, if such copy be not forthcoming, shall give him a written certificate of such cancellation.

Nothing in this section shall be deemed to affect the provisions of section one hundred and seventy seven

Expense of forwarding labourer to be paid by employer

180 Every employer who obtains an order of a Magistrate for the making over or forwarding of any labourer shall be liable to defray the expense (if any) incurred in such making over or forwarding, and shall, before the order is issued, deposit with the Magistrate a sum sufficient in the Magistrate's opinion to defray such expense

Conviction not to operate as a release

181 On the expiry of any sentence of imprisonment for any offence under this Act, the Magistrate shall, subject to the provisions of section one hundred and seventy seven, make over such labourer to any person appointed on the part of his employer to take charge of him, and no conviction under this Act, or imprisonment under such conviction, shall, save as aforesaid, operate as a release to any labourer from the terms of his labour-contract

If no person is present on the part of the employer to take charge of the labourer at the expiry of his sentence, the Magistrate shall forward such labourer to the principal place of business of his employer situate within the local limits of such Magistrate's jurisdiction, and the expense of such forwarding shall be recoverable from such employer as if it were an arrear of land revenue

Time of unlawful absence or imprisonment to be excluded from contract period

182 When any labourer is convicted under section one hundred and seventy-one of absence from labour or is sentenced to imprisonment for an offence under this Act, the Magistrate so convicting or sentencing him shall endorse on the employer's copy of the labour-contract the period during which such labourer is convicted of being absent from his labour, or the term for which he is sentenced to imprisonment, or both, as the case may be

The period so endorsed shall be added to the term for which such labourer contracted to serve, and such labourer shall not be deemed to have performed his labour-contract till he has served for the term specified therein in addition to the period so endorsed

Other person enticing away harbouring or employing labourer under labour contract

183 Whoever, knowing that any labourer is bound by his labour-contract to labour for any employer, voluntarily entices or attempts to entice such labourer to leave such employer, or harbours or employs any such labourer who has, in contravention of the terms of his labour-contract, left his employer, shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both

The convicting Magistrate may in his discretion award to the employer with whom such labourer has contracted the whole or any part of any fine levied under this section

Employer or other person neglecting to

184 Whoever, being bound by section one hundred and thirty-four to send any labourer before, or to give notice of any complaint to, an Inspector or

Magistrate, refuses or neglects so to send such labourer, or to give such notice, shall be punished with fine which may extend to two hundred rupees.

send labourer before Magistrate as provided by section 134.

185. Any employer who—

refuses or wilfully neglects to endorse the labourer's copy of his contract as required by section one hundred and forty-one, or

Employer refusing to endorse labour-contract, &c., as required by section 141.

detains a labourer after the determination of his labour-contract, or

fails to give to the Inspector notice in writing of such determination within one month of the date thereof,

shall be punished with fine which may extend to two hundred rupees.

186. Any employer or person acting for an employer who refuses or neglects to comply with the request of a labourer made under section one hundred and forty-two shall be punished with fine which may extend to two hundred rupees.

Employer or other person neglecting to comply with request of labourer wishing to redeem unexpired term.

187. Whoever abets within the meaning of the Indian Penal Code any offence against this Act or any rule made hereunder shall be punished with the punishment provided for such offence

Abetment.

188. Whoever commits any offence against this Act or any rule made hereunder shall be triable for such offence in any place in which he may be found as well as in any other place in which he might be tried under any law for the time being in force.

Place of trial for offences.

189. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made hereunder, or from being liable under any other law to any penalty higher than that provided by this Act for such offence: Provided that no person shall be punished twice for the same offence.

Saving of prosecutions under other laws.

CHAPTER IX.

MISCELLANEOUS.

190. All arrears of wages due under any labour-contract shall be a charge upon the estate upon which the labourer to whom such labour-contract relates has been engaged to labour; or if he has engaged to labour upon any of several estates managed by the same employer, shall be a charge upon that one of such estates upon which such labourer for the time being actually labours.

Wages due under labour-contract a charge upon estate.

191. Whenever an estate on which any labourer has under this Act contracted to labour is transferred by act of parties or operation of law, or devolves, the person to whom it is so transferred or on whom it devolves shall

Owner of estate for time being has all rights and re-

medies in respect of labour-contracts charged on it.

be bound by the labour-contract of such labourer in the same manner and to the same extent as the person by or from whom it is transferred or devolves would have been bound by such contract, and shall have the same rights and remedies under such contract as such person would have had thereunder, if the estate had not been transferred or had not devolved.

Determination of ownership determines liability.

No person who has ceased to be the owner of the estate upon which any labourer has under this Act contracted to labour shall be liable in respect of any breach of the labour-contract of such labourer which occurs after he has ceased to be such owner.

Fines, fees and rates to be credited to "Inland Labour Transport Fund."

192. Subject to the power of a Magistrate under this Act or the Code of Criminal Procedure to award fines in whole or in part as compensation to or for the benefit of any complainant or other person, the Local Government shall credit all fines, fees and rates levied and paid under this Act in the territories under its administration to a fund which shall be called the "Inland Labour Transport Fund;" and such fund shall be at the disposal of such Local Government, in such manner as the Government of India may direct, for paying the salaries and allowances of all officers and establishments appointed under this Act by such Local Government and their pensionary and leave allowances, and generally for defraying the expenses of carrying out the purposes of this Act and the rules of the Local Government made hereunder. The annual surplus accruing in such fund shall be applied to reducing the annual rate or the registration fees leviable under this Act, and not otherwise.

Expenditure on roads legalised.

193. All sums heretofore expended on roads or other communications by the Lieutenant-Governor of Bengal out of the Inland Labour Transport Fund constituted by the said Bengal Act No. VII of 1873 shall be deemed to have been expended in accordance with law.

Duty of Assistant Inspector.

194. An Assistant Inspector shall perform all such duties and exercise all such powers of an Inspector as he is authorised in writing by the Inspector to perform or exercise.

Powers of Local Government and officers exercisable from time to time.

195. All powers conferred by this Act on the Local Government or on any Superintendent, Medical Inspector, Emigration Agent or other officer may be exercised from time to time as occasion requires.

THE SCHEDULE.

(*See section 9.*)

Form of Labour-contract between Labourer and Employer.

This contract, made under the Inland Emigration Act, 1882, between *A B*

(hereinafter called *the labourer*) of the one part, and* [*C D* (*agent* or *local agent* or *garden-sardár*) on behalf of] *E F* (hereinafter called *the employer*) on the other part, witnesseth that the said* [*agent* or *local agent* or *garden-sardár* on behalf of the said] employer doth hereby promise the said labourer, that if he, the said labourer, do remain and labour on the $\frac{\text{X estate}}{\text{Y estates}}$ † of his said employer in the labour-district of for the term of years from the date of the execution of this contract, he, the said employer, will, from the date on which the said labourer commences to labour on such $\frac{\text{estate}}{\text{estates}}$ pay or cause to be paid to the said labourer monthly wages at the rate of Rs ‡ for a completed daily task regulated in accordance with the provisions of the said Act, and, when such task is not completed, monthly wages calculated at the same rate in proportion to the amount of work actually done, and that during such period he, the said employer, will supply to the said labourer rice at a price of Rs — per maund, and will faithfully comply with all rules regarding house accommodation, medical treatment, and the supply of food grains or rations to the said labourer, which the Local Government may from time to time prescribe, and this contract further witnesseth that the said labourer doth hereby, in consideration of the aforesaid promise, agree so to remain and labour for the said employer In witness whereof the said parties to these presents have hereunto set their hands at this day of 18

* Parts in brackets to be omitted if the contract is made without the intervention of an agent, local agent or garden sardár

† As the case may be

‡ State rates for various periods of contract

Signature of labourer and of employer (or of his agent, local agent or garden-sardar).

Form of Description of Labourer

Name	Father's Name	Age	Sex	Caste	Residence			Descriptive marks
					District	Thana	Village	

[*Endorsement to be filled up by Registering officer before whom the contract is executed.*]

I hereby certify that, before the said *A B* signed this contract, I personally explained it to him.

Signed——————

Registering officer.

[*Endorsement on labourer's copy of contract, to be left blank until the contract is determined.*]

I hereby certify that the foregoing contract has been determined by effluxion of time (*or* by mutual consent, *or* under the provisions of section of Act , as the case may be).

Dated at
This day of } ——————

Signature of Employer or of Inspector.

PART II:

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

ACT No. I of 1880.

Received the Lieutenant-Governor's assent on the 16th of January, 1880, and the Governor General's assent on the 26th of February, 1880.

An Act to authorize the making and to regulate the working of Street Tramways in Calcutta.

Preamble.

WHEREAS the Corporation of the Town of Calcutta, hereinafter called the Corporation, by an Agreement dated the 2nd day of October, 1879, for the considerations therein expressed, granted to Dillwyn Parrish, Alfred Parrish and Robinson Souttar and their assigns, hereinafter called the Grantees, the right to construct, maintain and use a tramway or tramways in Calcutta upon the terms and in the manner mentioned in the said Agreement, a copy whereof is set forth in the Schedule to this Act, which said Agreement had on the 25th day of August, 1879, received the sanction of the Lieutenant-Governor of Bengal; and whereas the Grantees are desirous of being empowered to construct the several street tramways in the said Agreement and in this Act particularly described, and also such other tramways between such other places in Calcutta and the Suburbs of Calcutta, and by such other routes as may hereafter be approved; and whereas the objects of this Act cannot be attained without the authority of the Legislature: It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Calcutta Tramways Act, 1880:"

Commencement.

and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Meaning of "Tramway."

2. In this Act—unless there be something repugnant in the subject or context—"Tramway" means a tramway constructed under this Act.

Tramways may be made in accordance with the

3. Subject to the provisions of this Act, and of the said Agreement, the Grantees may make and maintain in Calcutta a tramway or tramways, with single or double lines, and with all necessary sidings, turnouts, connections

Agreement between the Corporation and the Grantees.

and lines (but in the case of sidings and turnouts only in such places as the Corporation may sanction) on the following routes and between such other places and by such other routes as may be hereafter approved by the Corporation and sanctioned by the Lieutenant-Governor:—

1st.—A circular tramway passing round Fairlie Place, Strand Road, Koila Ghât Street and Clive Street.

2nd.—Tramway No. 1, commencing at the junction of Cornwallis Street and Circular Road, and passing along Cornwallis Street, College Street, Colootollah Street, Canning Street, Clive Row and Clive Street, effecting a double junction with the circular tramway at Fairlie Place.

3rd.—Tramway No. 2, passing along Upper Chitpore Road to its junction with Canning Street, where it joins tramway No. 1.

4th.—Tramway No. 3, passing along Bow Bázár Street, Lall Bázár Street and Dalhousie Square, effecting a double junction with the circular tramway in Clive Street.

5th.—Tramway No. 4, commencing near Sobha Bázár Street and passing along Strand Road to Somerset Buildings, where it terminates.

6th.—Tramway No. 5, commencing in the Circular Road at the end of Dhurrumtollah Street, and passing along Dhurrumtollah Street, Esplanade Row, Old Court House Street and Dalhousie Square, effecting a double junction with the circular tramway at Koila Ghât Street.

7th.—Tramway No. 6, commencing in the Circular Road at the end of Elliott's Road, and passing along Elliott's Road and Wellesley Street, and joining tramway No. 5 in Dhurrumtollah and tramway No. 1 in College Street.

8th.—Tramway No. 7, passing along Chowringhee and joining tramway No. 5 at Dhurrumtollah Road, with a connecting line along Bentinck Street and Chitpore Road to tramway No. 2.

Provided that, without the special sanction of the Corporation to be obtained in special general meeting of the Commissioners there shall not be a double line in the following places:—

In tramway No. 1, Colootollah Street.
Ditto ,, 2, the whole.
Ditto ,, 6, Elliott's Road.
Ditto ,, 7, the connecting line.

Application of Act to Suburban tramways.

4. In the event of any other tramway or tramways on other routes in Calcutta or in the Suburbs of Calcutta being from time to time approved by the Corporation or the Municipal Commissioners for the said Suburbs, as the case may be, and sanctioned by Government and undertaken by the Grantees, notice thereof specifying the routes so approved of, and, in the case of Suburban

tramways, a copy of the Agreement entered into between the said Municipal Commissioners and the Grantees in respect thereof, shall thereupon be published in the *Calcutta Gazette*, and upon such publication all the provisions of this Act, so far as the same may be applicable, shall apply to the tramway or tramways in such publication specified, and all works and things connected with the same or incidental thereto, as if the said routes had been particularly specified in this Act, and as if the Agreement, if any, in reference thereto had been included in the schedule to this Act.

Form in which tramways are to be constructed and maintained.

5. Every tramway shall be constructed on the metre-gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be agreed upon beween the Corporation and the Grantees, and shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the immediately adjacent surface of the road; and before the work of construction is begun, the drawings and specification showing the proposed construction of each tramway shall be submitted to the Corporation and be approved by them, and the cars and carriages intended to run on the tramways shall also be of such construction and furnished with such brakes and other appliances as shall have been approved by the Corporation.

No tramway to be opened without certificate from Engineer.

6. No tramway shall be opened for public traffic until the same has been inspected and certified by the Engineer to the Corporation to be fit for such traffic.

Carriages how to be worked.

7. The cars and carriages of the Grantees on the lines of the tramways shall be worked with such power, animal or mechanical, as the Grantees may think suitable: provided that no steam carriages shall be used without the special consent of the Corporation, to be obtained in special general meeting of the Commissioners, and without the sanction of the Lieutenant-Governor.

Grantees may use tramway carriages with flange wheels.

8. The Grantees may use on their tramways carriages with flange wheels or wheels suitable only to run on a grooved rail, and subject to the provisions of this Act, and of the hereinbefore recited Agreement, they shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail.

Grantees may fix and demand fares.

9. The Grantees shall have power from time to time to fix the rates of fares for carrying passengers and goods in the said cars or carriages, and may demand and take the same for every passenger travelling upon any of their tramways, or for the carriage of goods by their tramways: provided that the rate of fare for each person or parcel shall, for any distance not exceeding three miles, not exceed three annas, and for any greater distance shall not exceed the same proportion.

Printed list of fares, &c., to be placed in carriages.

10. A printed list in English, Bengáli, and Urdu of all the fares and charges authorized by this Act to be taken, and a printed copy in the same

languages of all bye-laws in force as hereinafter mentioned, shall be exhibited in a conspicuous place inside each of the cars or carriages used by the Grantees upon any of their tramways.

Such list and printed copy as aforesaid shall be published in the *Calcutta Gazette* at the expense of the Grantees.

Fares how to be paid.

11. The fares and charges by this Act authorized shall be paid to such persons at such places, upon or near to the tramways, and in such manner and under such regulations as the Grantees may, by notice to be annexed to the list of fares, from time to time appoint.

Power to break up streets.

12. The Grantees may from time to time, for the purpose of constructing and maintaining any tramways under this Act, open and break up the soil and pavement of any of the streets as defined by Bengal Act IV of 1876 (The Calcutta Municipal Consolidation Act) and bridges in the Town of Calcutta, and therein lay sleepers and rails, and repair, alter or remove the same; and may, for the purposes aforesaid, do in and on such streets and bridges all other acts which they shall from time to time deem necessary for constructing and maintaining their tramways, subject to the following regulations:—

1st.—They shall give to the Corporation notice in writing of their intention to open or break up any such street or bridge, specifying the time at which they will begin to do so, and the portion of the road proposed to be open or broken up. Such notice to be given at least three days before the commencement of the work.

2nd.—They shall not open or break up or alter the level of any such street or bridge, except under the superintendence and to the reasonable satisfaction of the Corporation, for which superintendence the Grantees shall pay all reasonable expenses, unless the Corporation neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work.

3rd.—They shall not, without the consent of the Corporation, open or break up at any one time a greater length than a quarter of a mile on any one line of tramway.

4th.—They shall, with all convenient speed, and in all cases within six weeks at the most, unless the Corporation otherwise consent in writing, complete the work for which the said street or bridge shall be broken up, and fill in the ground, and make good the surface, and, to the satisfaction of the Corporation, restore the street or bridge to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby.

5th.—They shall in the meantime, when such street or bridge is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

6th.—They shall make good all damage done to the gas and water-pipes and sewers, whether belonging to the Corporation or to private individuals, by the disturbance thereof.

7th.—If by any such operations as aforesaid the Grantees interrupt the supply of water or gas in or through any main or main pipe, they shall be liable to a penalty not exceeding two hundred rupees for every day upon which such supply shall be so interrupted.

Grantees to keep the tramway roads in proper repair.

13. The Grantees shall, at their own expense, at all times maintain and keep in good condition and repair, in such manner as the Corporation shall direct, the rails of which any of their tramways shall for the time being consist, and so much of any street or bridge as lies between the rails of any tramway; and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway; and in the course of carrying out such repairs, it shall not be necessary to give notice thereof to the Corporation.

Grantees not to obstruct ordinary traffic.

14. In exercising the powers given to them by the last two preceding sections, the Grantees shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the streets, and so as to admit of as free and unrestricted entry at all times into the sewers through the man-holes and lamp-holes for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas-pipes by the direction of the Corporation.

Reservation of right of public to use roads.

15. Nothing in this Act, or in any bye-law made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable to run on a grooved rail.

Saving of Port Commissioners' tramways.

16. Nothing in this Act, or in any bye-law made under this Act, shall interfere with the right of the Port Commissioners, or of any other body or person entitled at the time of the commencement of this Act, to work and maintain a tramway, to pass across any tramway constructed under this Act with carriages having flange wheels or wheels suitable to run on a grooved rail.

Right of user only.

17. Notwithstanding anything in this Act contained the Grantees shall not acquire, or be deemed to acquire, any right other than that of user of any road along or across which they lay any tramway.

Penalty for failure of Grantees to comply with

18. If the Grantees fail in any respect to comply with the provisions of sections five, six, seven, twelve (except the last two clauses), thirteen and fourteen of this Act, they shall for every such offence (without prejudice to

provisions of this Act.

the enforcement of specific performance of the requirements of this Act, or to any other remedy against them), upon complaint of the Corporation or of any person injuriously affected thereby, be liable to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred.

Penalty for obstructing Grantees in the exercise of their power.

19. If any person wilfully obstructs any person acting under the authority of the Grantees in the lawful exercise of their powers in setting out or making, laying down, repairing or renewing a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall for every offence be liable to a penalty not exceeding fifty rupees, and shall also be liable to pay such damages as may be awarded in respect of such injury by any competent Court.

Penalty for interfering with tramway.

20. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things, namely—

interferes with, removes or alters any part of a tramway of the Grantees, or of the works connected therewith;

does or causes to be done anything in such a manner as to obstruct any carriage using the tramways;

or knowingly aids or assists in the doing of such thing, he shall for every such offence be liable (in addition to any proceedings by way of criminal charge or otherwise to which he may be subject) to a penalty not exceeding one hundred rupees.

Penalty for avoiding payment of proper fare.

21. If any person travelling or having travelled in any carriage of the Grantees avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding ten rupees.

Servant of Grantees may arrest persons avoiding payment of fare.

22. It shall be lawful for any servant of the Grantees, and all persons called in by him for his assistance, to arrest and take to the nearest police-station any person who shall be discovered either in or after committing or attempting to commit any such offence as in the last preceding section mentioned, and whose name and residence is refused by him and is unknown to such servant or person, and the police officer in charge of the said police-station, on receiving a complaint that an offence under this Act has been committed, shall adopt such legal measures as may be necessary to cause the said person to be taken before a Magistrate with the least possible delay.

23. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous or offensive nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Grantees with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding fifty rupees for every such offence, and it shall be lawful for the Grantees to refuse to take any parcel that they may suspect to contain goods of a dangerous or offensive nature, or to require the same to be opened to ascertain the fact.

Carriage of dangerous or offensive goods.

24. The Corporation in special general meeting may, subject to confirmation thereof by the Lieutenant-Governor, from time to time make such regulations as to the rate of speed, number of passengers and mode of use of the tramways as the convenience and safety of the public may require, and as are not inconsistent with this Act.

Bye-laws by Corporation.

The Grantees may, subject to confirmation as aforesaid, from time to time make such regulations—

for preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them; and

for regulating the travelling in or upon any carriage belonging to them as are not inconsistent with this Act.

Notice of the making of any such bye-laws shall be published by the Corporation in the *Calcutta Gazette*.

The Grantees may make certain regulations.

25. Any person offending against any bye-law made under the provisions of the last preceding section shall forfeit for every offence any sum not exceeding twenty rupees to be imposed in such bye-laws as a penalty for such offence.

Penalty for breach of bye-laws.

26. The Corporation shall have the like power of making and enforcing rules and regulations and of granting licenses with respect to all drivers, conductors and other persons having charge of the carriages using the tramways as they are for the time being entitled to make, enforce and grant with respect to the drivers of hackney carriages and other persons having charge thereof.

Power to Corporation to license drivers, conductors, &c.

27. The Grantees shall be answerable for all accidents, damages and injuries happening through their act or default, or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages, and shall save harmless the Corporation and their officers and servants from all damages and costs in respect of such accidents, damages and injuries.

Grantees to be responsible for all damages.

28. Nothing in this Act shall limit the powers of the Corporation or the

Power for the

Corporation and police to regulate traffic on roads.

police to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and the Corporation or police may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Grantees as to the traffic of other persons.

The Corporation shall not be liable to pay to the Grantees any compensation for loss of traffic occasioned by the reasonable exercise of such authority.

Reservation of power over roads.

29. Nothing in this Act shall be construed to prevent the Corporation, or the Oriental Gas Company, Limited, in the exercise of the powers conferred upon them under Act V of 1857, from opening, breaking up, widening, altering, diverting or improving any of the roads traversed by the tramways for the purposes for which they may now lawfully open, break up, widen, alter, divert or improve the same: Provided—

(1) that they shall cause as little detriment or inconvenience to the Grantees as circumstances admit;

(2) that they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the tramways or any of them on giving twenty-four hours' previous notice in writing to the Grantees;

(3) that before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Grantees notice of their intention to commence such work, specifying the time at which they will begin to do so; such notice to be given eighteen hours at least before the commencement of the work;

(4) that in the event of their so interfering with or stopping the running of any tramway under this section, an abatement proportioned to the length of road over which and time during which running is stopped, shall be made from the rent hereinbefore reserved and payable by the Grantees;

(5) that any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement, shall be executed by the Grantees at the expense of the Corporation.

Corporation to have right of purchasing tramways after 21 years.

30. The Corporation shall have the right of purchasing the tramways with the plant, buildings, stores, rolling-stock and everything connected therewith upon the expiration of twenty-one years from the commencement of this Act, upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years upon similar notice being given, and the consideration for such purchase shall be a cash payment of one and two-fifths of the amount

of the invested capital of the Grantees, or securities of the Government of India, or securities the interest whereon shall have been guaranteed by the Secretary of State for India in Council, or debentures of the Corporation of such amount as to produce, at the rate of interest current on such securities, seven per cent. per annum on the amount of the said invested capital; and if the consideration for such purchase shall be given in such securities as aforesaid, the Grantees shall be entitled to have in addition a first mortgage of all the property, assets and profits of the tramway or tramways which shall have been purchased from them.

SCHEDULE.

ARTICLES OF AGREEMENT made this second day of October 1879, BETWEEN THE CORPORATION OF THE TOWN OF CALCUTTA incorporated under Act IV of 1876 of the Lieutenant-Governor of Bengal in Council, hereinafter called the said Corporation of the one part, and DILLWYN PARRISH and ALFRED PARRISH, both of London, and ROBINSON SOUTTAR, of Liverpool, hereinafter called the said Grantees of the other part. WHEREAS the said Corporation have, subject to confirmation thereof by the Government of Bengal, and to the recognition of this Agreement by an Act of the Bengal Legislature, agreed to grant to the said Grantees the right to construct, maintain and use a tramway or tramways in Calcutta, upon the terms and conditions hereinafter contained, NOW THESE PRESENTS WITNESS that in consideration of the covenants and agreements hereinafter contained and on the part of the said Corporation to be performed, the said Grantees for themselves, their heirs, executors, administrators and assigns do, and each of them for himself, his heirs, executors, administrators, and assigns doth, covenant with the said Corporation, so far as the covenants and agreements hereinafter contained are to be performed by the said Grantees and their heirs, executors, administrators and assigns, and the said Corporation, for and in consideration of the covenants and agreements hereinafter contained and on the part of the said Grantees and their heirs, executors, administrators and assigns to be performed, do hereby covenant with the said Grantees and their heirs, executors, administrators and assigns so far as the covenants and agreement hereinafter contained are to be performed by the said Corporation in manner following, that is to say :—

1. The said Corporation grant to the said Grantees and their heirs, executors, administrators and assigns, all which persons are hereinafter included in the words "the said Grantees," the right to construct, maintain and use a tramway or tramways, with single or double lines, and with all necessary sidings, turnouts, connections and lines of whatever nature which may be

required to connect the said tramway or tramways with the depôts of the said Grantees (but in the case of sidings and turnouts, only in such places as the said Corporation may sanction), on the following routes and between such other places and by such other routes as may be hereafter approved of by the said Corporation :—

1st.—A circular tramway passing round Fairlie Place, Strand Road, Koila Ghât Street and Clive Street.

2nd.—Tramway No. 1, commencing at the junction of Cornwallis Street and Circular Road and passing along Cornwallis Street, College Street, Colootollah Street, Canning Street, Clive Row and Clive Street, effecting a double junction with the circular tramway at Fairlie Place.

3rd.—Tramway No. 2, passing along Upper Chitpore Road to its junction with Canning Street, where it joins tramway No. 1.

4th.—Tramway No. 3, passing along Bow Bázár Street, Lall Bázár Street and Dalhousie Square, effecting a double junction with the circular tramway in Clive Street.

5th.—Tramway No. 4, commencing near Sobha Bázár Street, and passing along Strand Road to Somerset Buildings, where it terminates.

6th.—Tramway No. 5, commencing in the Circular Road at the end of Dhurrumtollah Street and passing along Dhurrumtollah Street, Esplanade Row, Old Court House Street and Dalhousie Square, effecting a double junction with the circular tramway at Koila Ghât Street.

7th.—Tramway No. 6, commencing in the Circular Road at the end of Elliott's Road and along Elliott's Road and Wellesley Street and joining tramway No. 5 in Dhurrumtollah and tramway No. 1 in College Street.

8th.—Tramway No. 7, passing along Chowringhee and joining tramway No. 5 at Dhurrumtollah Road, with a connecting line along Bentinck Street and Chitpore Road to tramway No. 2.

Provided that without the special sanction of the Corporation (Commissioners in special general meeting), there shall not be a double line in the following places :—

In tramway No. 1, Colootollah Street.
Ditto „ 2, the whole.
Ditto „ 6, Elliott's Road.
Ditto „ 7, the connecting line.

These lines are particularly delineated on a plan accompanying this Agreement, and signed by the Engineer to the Corporation and one of the said Grantees.

2. The said Grantees shall, moreover (subject to clauses 3 and 4), have the exclusive right of laying, constructing, maintaining and using a tramway or

tramways within the limits of the Calcutta Municipality on the terms contained in these presents: provided always that if the said Grantees shall at any time or times refuse or neglect for three months to accept any proposal by the said Corporation for the construction, maintenance and use of any tramway or tramways other than those mentioned in clause 1 which the said Corporation may consider necessary or desirable, it shall be lawful for the said Corporation to employ any other person or Company for the purposes aforesaid or any of them, and to make such arrangements as they may think proper independently of the said Grantees.

3. The said Grantees shall construct in such a manner as to be available for use at least six miles of the tramways mentioned in clause 1 within three years from the passing of the necessary Act by the Legislature, and they shall, before the expiration of the fourth year, give notice in writing to the said Corporation of the lines they intend to construct during the fifth year, and failing the observance by the said Grantees of the terms of this clause, it shall be lawful for the said Corporation to withdraw and cancel the concessions and rights granted by these presents to the said Grantees as regards the lines remaining unconstructed.

4. If the Grantees shall, at the expiration of five years from the date of commencement of this contract, have left any one or more of the lines hereinbefore in clause 1 specified unconstructed, and if the said Corporation shall not have exercised the rights conferred on them by clause 3, the said Corporation may call upon the said Grantees to construct the line or lines; and if the said Grantees do not construct the line or lines within twelve calendar months after receiving such formal notice, then their powers granted in this concession shall, so far as relates to that line, cease, and the said Corporation may make arrangements with other persons for the construction of the same, and in such last-mentioned case, the other parties, to whom the said concession or any contract shall be granted, shall have the privilege of running round the circle to be constructed by the said Grantees, *viz.*, by way of Koila Ghât Street, Strand Road, Fairlie Place and Clive Street, free of toll, and in the event of the said Grantees having failed to construct the six miles of tramway provided for in the preceding clause, such other parties as last aforesaid shall have a like privilege of running over any part of any of the tramways No. 1 to No. 7 abovementioned in part constructed by the Grantees to any other part of the same tramway which may have been constructed by the said other parties: provided always that in the exercise of these privileges, they shall not interfere with or obstruct the traffic of the said Grantees, and shall conform to such rules for the regulation of that traffic as may be drawn out by the said Grantees and approved of by the said Corporation; provided also that it shall

not be lawful for the said other parties to both take up and set down the same passenger on the said Grantees' lines; provided also that if the said Grantees shall offer any obstruction or fail to afford reasonable facilities, to enable the said parties to whom any concession or contract shall be made or given as aforesaid to exercise the privilege of using the lines of the said Grantees as aforesaid, it shall be lawful for the said Corporation forthwith to make such rules with reasonable penalties for the breach thereof as they may think advisable for the purpose of regulating the use of the said lines and the traffic thereon.

5. Any tramway or tramways to be constructed under this Agreement shall be constructed on the metre-gauge of 3 feet 3⅜ inches, or on such other gauge not exceeding 4 feet 8½ inches as may be mutually agreed upon, and especially the rails shall be laid and maintained in such manner that the uppermost surface of the rails shall be on a level with the surface of the road, and before the work of construction is begun, the drawings and specification showing the proposed construction of each tramway shall be submitted to the said Corporation and be approved by them, and the cars and carriages intended to run on the said tramways shall also be such as shall have been approved of by the Corporation.

6. If the said Corporation shall hereafter alter the level of any street or road along or across which any tramway by this Agreement authorized is laid, or authorized to be laid, the Grantees shall alter or (as the case may be) lay their rails, so that the uppermost surface thereof shall be on a level with the surface of the road so altered: provided always that any such alteration as aforesaid shall be so made as to interfere as little as possible with the safe and convenient working of the said tramways, and in any case so as not to stop or prevent the free use and working thereof.

7. The cars and carriages of the said Grantees on the tracks of the said tramways shall be worked with such power, animal or mechanical, as the said Grantees may think suitable: provided that no steam carriages may be used without the special consent of the Corporation (Commissioners in special general meeting); and provided also that the said Corporation (Commissioners in special general meeting) shall have power at all times to make such regulations as to the rate of speed, number of passengers and mode of use of the said tracks, as the convenience and safety of the public using the streets may require.

8. The sleepers, rails, materials, implements and erections placed and erected by the said Grantees or their assigns on the streets or roads under the powers hereby granted, shall be and remain the property of the said Grantees, but they shall not remove or displace the same or any of them or any part or parts thereof without the consent in writing of the said Corporation. No

person other than the Grantees, or persons authorized so to do under clause 4 thereof, may use upon any tramway or tramways made under this Agreement, or under any Agreement entered into under clause 4 hereof, carriages with flanged wheels or other wheels suitable only to run on the prescribed rail

9 The said Grantees or their assigns shall have power from time to time to fix the rates of fares for carrying persons and goods in the said cars or carriages provided that the rate of fare for each person or parcel shall for any distance not over three miles not exceed three annas and shall not for any greater distance exceed the same proportion

10. The said Grantees may (for the purpose of constructing and maintaining any tramways under this Agreement), under such superintendence as is hereinafter specified, open and break up the soil and pavement of the several public or other streets (as defined in the Calcutta Municipal Consolidation Act, 1876) and bridges in the city of Calcutta and therein lay sleepers and rails, and from time to time repair, alter or remove the same, and may, for the purposes aforesaid, remove and use all earth and materials in such streets and bridges and do in and on such streets and bridges all other acts which they shall from time to time deem necessary for constructing and maintaining such tramways subject to the following conditions —

1st —They shall give to the said Corporation notice in writing of their intention to open or break up any such street or bridge, specifying the time at which they will begin to do so, and the portion of the road proposed to be opened or broken up Such notice to be given at least three days before the commencement of the work.

2nd —They shall not open or break up or alter the level of any such street or bridge except under the superintendence and to the reasonable satisfaction of the Corporation, for which superintendence the Grantees or their assigns shall pay all reasonable expenses unless the Corporation neglect to give such superintendence at the time specified in the notice, or discontinue the same during the work

3rd —They shall not, without the consent of the said Corporation, open or break up at any one time a greater length than a quarter of a mile on any one line of tramway

4th —They shall, with all convenient speed and in all cases within six weeks at the most, unless the said Corporation otherwise consent in writing, complete the work for which the said street or bridge shall be broken up and fill in the ground, and make good the surface, and, to the satisfaction of the said Corporation, restore the street or bridge to as good condition as that in which it was before it was opened or broken up, and clear away all surplus materials or rubbish occasioned thereby

5th.—They shall make good all damage done to the gas and water-pipes and sewers whether belonging to the Corporation or to private individuals by the disturbance thereof.

6th.—They shall in the meantime, when such street or bridge is opened or broken up, cause it to be fenced and watched, and to be properly lighted at night.

11. The said Grantees shall, at their own expense at all times, maintain and keep in good condition, and repair to the reasonable satisfaction of the said Corporation, the rails of which any of the tramways shall for the time being consist, and also so much of any such street or bridge whereon any tramway belonging to them is laid as lies between the rails of the tramway, and in the case of double lines or turnouts or sidings, the portion of the road between the tramways, and in every case so much of the road as extends 18 inches beyond the rails of and on each side of any such tramway, and in the course of carrying out these repairs, it shall not be necessary to give notice thereof to the said Corporation.

12. In exercising the powers given to them by clauses 10 or 11, the said Grantees shall arrange their work so as to afford the least possible obstruction to the ordinary traffic of the streets, and so as also to admit of as free and unrestricted entry at all times into the sewers through the man-holes and lamp-holes for the time being in use, as is possible under the circumstances, and also so as to enable proper repairs to be made to water or gas-pipes by the direction of the Corporation.

13. If the said Grantees shall commit any breach of clauses 10 or 11 or 12, it shall be lawful for the said Corporation in their discretion where such breach shall be in the execution of any work or repairs at any time after seven days' notice to the said Grantees themselves to do and execute such work or repairs and the expense incurred by the said Corporation in so doing, including the cost of superintendence, shall be repaid to them by the said Grantees, together with interest at the rate of eight per cent. per annum, and the certificate of the Engineer of the said Corporation as to such cost shall be conclusive.

14. If any person or persons sustain any loss or damage by reason of any defect or want of repairs in any of the plant, rolling-stock or other properties of the said Grantees or by reason of any carelessness, neglect or misconduct of their agents or servants in the management, construction or use of the said tramways or any portion thereof, or in the exercise of the powers given by clauses 10 or 11, the same shall be made good by the said Grantees, and in the event of any suit being instituted against the said Corporation in respect of any of the matters hereinbefore mentioned, the said Grantees shall, within

fourteen days from receipt of a notice thereof from the said Corporation, settle the same; but if the said Grantees choose to defend such suit, they shall be at liberty to do so upon their undertaking to indemnify the said Corporation against all losses, damages and expenses in respect thereof: provided always that if the said Grantees fail to settle such suit or to indemnify the said Corporation, as is hereinbefore provided, it shall be lawful for the said Corporation to settle the same without any consent or concurrence on the part of the said Grantees, and the sum which they shall have to pay in making such settlement, together with interest thereon at the rate of 8 per cent. per annum from the date of payment, and with all expenses which they may be put to, shall be recoverable as a debt from the said Grantees.

15. If at any time after the opening of any tramway for traffic the said Grantees shall discontinue the working of such tramway or any part thereof for the space of six calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Grantees), it shall be lawful for the Corporation, without any previous notice to the said Grantees, to remove the tramway or part thereof so discontinued, and the said Grantees shall pay to the Corporation the cost of such removal and of the making good of such street or bridge through which the said tramway shall have been made, and the certificate of the Engineer of the said Corporation as to such cost shall be conclusive.

16. The said Grantees will, if required by the said Corporation before opening and breaking up the soil and pavement of any street or bridge under clause 10 of these presents, deposit in an approved bank in Calcutta in the name of the said Corporation the sum of Rs. 5,000, or, in their option, promissory notes of the Government of India or Municipal Bonds of the nominal value of Rs. 5,000, and the same will remain so deposited until the completion by the said Grantees of the lines of tramway herein sanctioned for immediate construction. But all interest accruing on the said sum, or the said notes, shall be credited to the said Grantees, and, subject as next hereinafter mentioned, be paid to them as the same shall accrue due: provided nevertheless that the said Corporation shall be entitled to deduct out of the sum so deposited or the interest accruing on the said sum or notes or out of the proceeds of sale of the said notes all moneys to which they may be entitled under any clause or clauses of these presents.

17. In consideration of the concession hereby granted, the said Grantees will pay to the said Corporation rent at the several rates hereinafter specified, *viz.*, from the beginning of the first to the end of the ninth year, at the rate of Rs. 3,000 per annum per mile of double line and Rs. 2,000 per annum per mile of single line; from the beginning of the 10th to the end of the 13th year,

a rent at the rate of Rs. 3,250 per annum per mile of double line and Rs. 2,250 per annum per mile of single line; from the beginning of the 14th year to the end of the 17th year, a rent at the rate of Rs. 3,500 per annum per mile of double line and Rs. 2,500 per annum per mile of single line; from the beginning of the 18th to the end of the 21st year, a rent at the rate of Rs. 3,750 per annum per mile of double line and Rs. 2,750 per annum per mile of single line; and from the beginning of the 22nd year, a rent at the rate of Rs. 4,000 per annum per mile of double line and of Rs. 3,000 per annum per mile of single line. And the rents aforesaid shall be payable half-yearly and shall form a first charge on the undertaking, and the date on which such rent on each line of tramways or part of a line shall begin to accrue shall be the date on which such line or part of a line of tramway shall be opened for public traffic: PROVIDED ALWAYS that no lines or sidings over which passengers or goods are not carried for hire, connecting the traffic lines with the stables, carriage-sheds, or depôts or other property of the Grantees shall be included in mileage for which rent shall be payable.

18. If the said rent or any part thereof shall not be paid on due date, the said Grantees shall be liable to pay interest thereon at the rate of 8 per cent. per annum from the due date until payment.

19. In consideration of the premises the Corporation shall allow to be deducted from the rent payable under this Agreement, a sum equal to the amount levied upon the Grantees, as the municipal taxes upon their horses, carriages and tramway lines (but not on their depôts and buildings or any other property or effects).

20. From and after the commencement of the 15th year of this contract to the end of the 21st, the said Grantees shall not be at liberty to enter upon any fresh engagements or expenditure which would increase their capital account in connection with this contract, without first notifying their intention to the said Corporation, and obtaining their approval thereof and sanction thereto in writing.

21. The Corporation shall have the right of purchasing the said tramways with the plant, buildings, stores, rolling-stock and everything connected therewith upon the expiration of twenty-one years from the commencement of this contract upon declaring its intention so to do in writing not less than six months before the expiration of the said twenty-one years, and shall have a renewed right of purchase at the end of every seven years after the expiration of the said twenty-one years, upon similar notice being given, and the consideration for such purchase shall be a cash payment of one and two-fifths of the amount of the invested capital of the said Grantees or securities of the Government of India or securities the interest whereon shall have been guaranteed by

the Secretary of State for India in Council or debentures of the said Corporation of such amount as to produce at the rate of interest current on such securities 7 per cent. per annum on the amount of the said invested capital, and if the consideration for such purchase shall be given in such securities as aforesaid, the said Grantees shall be entitled to have in addition a first mortgage of all the property, assets and profits of the tramway or tramways which shall have been purchased from them.

22. In the event of the said Corporation failing to declare its intention, as above provided, to purchase the property of the said Grantees, the terms of this contract shall continue in force.

23. The provisions hereinbefore contained shall, so far as applicable, apply to all tramways to be constructed by the said Grantees by any route or routes to be hereafter fixed by the said Corporation or under clauses 1, 3 and 4 of these presents, and to the works connected with or incidental to such tramways.

24. The date of the commencement of this concession shall be the date on which notice of the sanction of the Government of Bengal to the same shall be given to the said Grantees.

25. Unless the said Grantees shall have commenced the work of laying down the said tramways within twelve months from the date of the recognition of this Agreement by an Act of the Bengal Legislature, the said Corporation shall be at liberty to cease and determine this contract, and to enter into arrangements with any other person or persons for the construction of tramways.

26. Nothing in this Agreement shall take away or affect any power which the Corporation may have by law to open, or break up, or to widen, alter, divert or improve any street or road. Provided always—

1st.—That they shall cause as little detriment or inconvenience to the Grantees as circumstances will admit.

2nd.—That they may (if absolutely necessary, but not otherwise) order the temporary stoppage of traffic on the said tramways or any of them on giving twenty-four hours' previous notice in writing to the said Grantees.

3rd.—That before they commence any work, whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Grantees notice of their intention to commence such work, specifying the time at which they will begin to do so; such notice to be given eighteen hours at least before the commencement of the work.

4th.—That in the event of their so interfering with or stopping the running of any tramway under this clause, an abatement proportioned to the length of road over which, and time during which, running is stopped, shall be made from the rent hereinbefore reserved and payable by the said Grantees.

5th.—That any alteration of the position of any of the tramways, or the making good of any injury or damage that may be occasioned thereto by reason of such widening, alteration or improvement shall be executed by the Grantees at the expense of the Corporation.

27. If any doubt, difference or dispute shall arise between the said Grantees and the said Corporation touching the construction of these presents or anything herein contained, or touching or concerning any other matter or thing relating to these presents, then and in every such case such doubt, difference or dispute shall be referred to the arbitration of two persons, one to be chosen by the said Grantees and the other by the said Corporation within one calendar month after either of them shall have made to the other a requisition to that effect, and should the arbitrators fail to agree, they shall refer the question or questions at issue to the decision of an umpire to be chosen by the said arbitrators, and the decision of such arbitrators, if they agree, or of such umpire if they disagree, shall be final, and in case either party shall neglect or refuse to appoint an arbitrator within the specified time, the arbitrator appointed by the other party shall make a decision alone, and the decision of such arbitrators, umpire or arbitrator, as the case may be, shall be effectual and binding upon both parties.

28. The words "the said Corporation" used in this Agreement shall include the present Corporation and their successors, and also all persons empowered by the said Corporation or their successors or by other duly constituted authority to do any act or thing or exercise any powers or authorities which the said Corporation are hereinbefore authorized or empowered to do or exercise.

ACT No. II OF 1880.

Received the Lieutenant Governor's assent on the 28th of February, 1880, and the Governor General's assent on the 13th of March, 1880.

An Act to amend the Law for licensing Trades, Dealings and Industries.

Preamble.

WHEREAS it is expedient to amend the law for licensing trades, dealings and industries within the territories administered by the Lieutenant Governor of Bengal: It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bengal License Act, 1880;"

Extent and commencement.

It extends to all the territories for the time being administered by the Lieutenant Governor of Bengal; and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

2. Bengal Act I of 1878 is hereby repealed, but this repeal shall not affect any moneys due, penalties incurred or proceedings instituted before the commencement of this Act. Repeal of Bengal Act I of 1878.

3. In this Act, unless there be something repugnant in the subject or context— Interpretation-clause.

"Collector" means the Chief Officer in charge of the revenue-administration of a district; "Collector."

and within the local limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, such officer as the Lieutenant Governor of Bengal may from time to time appoint in this behalf;

For the purposes of this Act the local limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal shall be deemed to be a district:

"Section" means a section of this Act: "Section."

"Year" means the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next ensuing. "Year."

4. Nothing in this Act shall be deemed to affect the tax on professions, trades and callings imposed for municipal purposes by Bengal Act IV of 1876. Saving of Bengal Act IV, 1876.

5. In this Act the words "trade," "dealing" or "industry" shall not be deemed to include the following, that is to say:— "Trade," "dealing" and "industry" not to include agriculture, &c.

(a) agriculture;

(b) the performance by a cultivator or receiver of rent in kind of any process ordinarily employed by a cultivator or receiver of rent in kind to render the produce raised or received by him fit to be taken to market;

(c) the sale by a cultivator or receiver of rent in kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce.

6. Every person who, on or after the first day of April, 1880, carries on (whether on behalf of himself or any other person) his trade, dealing or industry in any district situate in the territories administered by the Lieutenant Governor of Bengal, shall take out a license under this Act in such district, and shall pay for the same the annual fee specified in the schedule hereto annexed as payable by persons of the class to which he belongs; Annual licenses to be taken out.

Provided that no person whose annual earnings from his trade, dealing or industry carried on within the said territories are less than five hundred rupees shall be required to take out a license under this Act;

Provided further that, if such person carries on such trade, dealing or industry in more than one such district, he shall take out such license in the district in which his principal place of business in the said territories is situate.

When any question arises as to what shall, for the purpose of this Act, be deemed to be the principal place of any business, the Lieutenant Governor of Bengal, or such authority as the Lieutenant Governor may from time to time appoint in this behalf, shall decide such question, and his or its decision thereof shall be final.

Officer to grant license.

7. Such license shall be granted by the Collector of such district, and shall be signed by him or by such officer as he may appoint in this behalf.

Particulars to be specified in the license.

8. Every such license shall specify—

(*a*) the date of the grant thereof;

(*b*) the name, father's name, residence, caste, if any, and the trade, dealing or industry of the licensee;

(*c*) the fee paid for the license;

(*d*) the place or places within the said territories at which the licensee intends to carry on his trade, dealing or industry;

(*e*) the year for which such license is granted;

and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Commencement and expiration of license.

9. Every such license shall have effect throughout the said territories, and shall continue in force throughout the year for which it is granted.

Renewal of license.

10. Every person to whom any such license has been granted, and who desires to continue to carry on his trade, dealing or industry in the said territories after the expiration thereof, shall take out a fresh license for that purpose for the following year, and shall renew the same so long as he desires to carry on such trade, dealing or industry.

Collector to prepare annual list of licensees.

11. As soon as may be after the commencement of this Act, and the first day of January in every subsequent year, the Collector shall prepare a list of the persons in his district to be licensed under this Act. Such list shall state—

(*a*) the trade, dealing or industry of each of the persons therein named;

(*b*) the class under which he is charged; and

(*c*) the fee to be paid for his license.

Such list shall be in such language as the Lieutenant Governor may direct, but a copy thereof in the language of the district shall be filed in the office of the Collector, and shall be open to inspection at all reasonable times without any payment.

The Lieutenant Governor of Bengal shall have power to declare what shall, for the purposes of this Act, be deemed to be the language of the district.

Collector may require list of persons in any house.

12. The Collector may by a notice in writing require the occupier of any house to forward to him a statement in writing, signed by such occupier, of

the names of all persons residing in such house, and of their respective trades, dealings or industries.

13. The Collector shall from time to time determine under which of the classes mentioned in the schedule hereto annexed every person required to take out a license under this Act shall be charged, and shall prepare or amend the said list accordingly. Collector to determine class under which license is to be charged.

14. A person or firm carrying on several trades, dealings or industries shall be chargeable only under one of the classes in the said schedule with reference to his or its total annual earnings from all such trades, dealings or industries. In the case of a firm, payment on account of the partnership by any one of the partners shall, for the purposes of this Act, be considered payment by the firm. Persons carrying on several trades.

15. The Collector may, subject to such rules as the Lieutenant Governor of Bengal may lay down, remit the whole or any part of the fee payable under this Act by any person who may carry on his trade, dealing or industry for a portion of the year only. Power to remit fee.

16. The Collector shall publish at his kachahrí, and at all Munsifs' kachahrís, sub-divisional offices and police-stations within his district a notification setting forth the provisions of section 6 and the schedule hereto annexed, and directing that, if any person liable to take out a license under this Act, whether he is mentioned in the list referred to in section 11 or not, continues his trade, dealing or industry in the said district, payment for such license must be made by him within sixty days of the date of the publication of the notification, and within sixty days next after the first day of April of each succeeding year. Collector to publish notification;

17. Every person whose name is entered in the list mentioned in section 11 shall, as soon as may be after the preparation thereof, be served with a notice stating under which class of the said schedule he is charged, and directing him to pay the fee payable by persons of that class. and to serve notices on licensees.

Such notice may be served through the post or as the Collector may direct.

18. Any person objecting to the class in which he is charged may, within thirty days after the service upon him of such notice, or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class, or altogether removed from the list referred to in section 11. Petition of objector.

19. The Collector shall fix a day for the hearing of the petition, and on the day so fixed, or on such subsequent day as he may from time to time direct, shall hear the same and pass such order thereon as he thinks fit; Hearing of petition.

Provided that if in the judgment of the Collector the petitioner is able to show that the fee which has been charged exceeds two per centum upon his

annual earnings in his trade, dealing or industry, such excess shall, for the purpose of section 18, be deemed a valid ground of objection, and the Collector shall thereupon order the petitioner's name to be transferred to another class, or to be altogether removed from the list.

Appeals.

20. There shall be no appeal from an order of a Collector under section 19; but where the order is passed by any officer subordinate to a Collector, an appeal shall lie to the Collector, or to some officer specially empowered by the Lieutenant Governor of Bengal in this behalf. Every petition of appeal under this section shall be accompanied by a copy of the order complained of, and be presented within fifteen days of the date of such order. In computing the said period of fifteen days, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same, shall be deducted.

Power of revision.

21. Subject to the control of the Lieutenant Governor of Bengal, the Commissioner of Revenue of the division, and within the local limits of the ordinary original jurisdiction aforesaid, such officer as the Lieutenant Governor may from time to time appoint, may, in his discretion, on the application of any person deeming himself aggrieved by an order passed by the Collector under section 19 or 20, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses, &c.

22. The Collector may, for the purpose of enabling him to determine under which of the said classes the petitioner should be charged, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure;

Provided that the Collector shall not, in the course of any proceedings under this section, call for any evidence except at the instance of the petitioner, or in order to ascertain the correctness of facts alleged by him.

Penalty for carrying on business without a license.

23. If, after expiry of the period mentioned in the notification published under section 16 for payment of the amount specified therein, any person carries on his trade, dealing or industry without having taken out a license as required by this Act, he shall be liable by order of the Collector to pay a fine not exceeding thrice the amount payable by him in respect of such license, exclusive of the amount so payable; and on receipt of such payment the Collector shall grant him a license;

Provided that no person who has been served with a notice under section 17 shall be liable to penalty under this section until the expiry of thirty days from the date of the service upon him of such notice.

Recovery of fees and penalties.

24. All sums due under section 23, and all fees payable under this Act, shall, where the amount exceeds fifty rupees, be recoverable either as if they

were arrears of land-revenue, or by distress and sale of the moveable property of the person liable, at the discretion of the Collector. In all other cases they shall be recoverable by distress and sale of the moveable property of the person liable.

The provisions of sections 113, 114, 115 and 119 of Bengal Act V of 1876 shall apply as far as possible to warrants of distress and sale issued by the Collector under this section, and no tools or implements of trade or agriculture shall be distrained or sold under any such warrant.

Limitation.

25. No proceedings for the recovery of any fees or other sums due under this Act shall be commenced after the expiry of six months from the last day of the year in respect of which they are payable.

License to be produced on demand.

26. Every person holding a license under this Act shall produce and show such license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition;

Prosecution to be at instance of Collector.

But no person shall be proceeded against for neglect or refusal to produce such license except at the instance of the Collector.

Court of Wards, receivers, and managers chargeable.

27. The Court of Wards, and receivers and managers appointed by any Court in British India, shall be chargeable under this Act in respect of any trade, dealing or industry of which the income is officially in their possession or under their control.

Power to trustee, &c., to retain money for payment of fee.

28. When any trustee, guardian, curator, committee or agent is charged under this Act in such capacity, or when the Court of Wards, or any receiver or manager appointed by any Court, is charged under this Act, every Court and person so charged may, from time to time, out of the money coming to its or his possession as such trustee, guardian, curator, committee or agent, or as such Court of Wards, receiver or manager, retain so much as is sufficient to pay the fee charged.

Every such person or Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Powers of Collector under Act may be exercised by other officers.

29. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the orders of the Collector of the district, be exercised and performed by any Assistant or Deputy Collector, or by such other officer as the Lieutenant Governor of Bengal shall from time to time appoint in this behalf.

Disposal of fees and penalties.

30. From the nett amount of all fees and penalties paid or recovered under this Act, after deducting the expense of collection, so much as the Governor General in Council from time to time directs shall be applied, in such manner as the Governor General in Council thinks fit, for the purpose of increasing the revenues available for defraying expenditure incurred or to be

incurred for the relief and prevention of famine in the territories administered by the Lieutenant Governor of Bengal, or if the Governor General in Council so directs, in any other part of British India

The residue (if any) of such nett amount shall be carried to the credit of the local Government of Bengal.

Obligation to furnish information

31 Every person shall be legally bound to furnish such information as may be required for the purposes of this Act to any officer or person exercising any of the powers of a Collector under this Act

Power to exempt and make rules

32 The Lieutenant Governor of Bengal may from time to time (*a*) exempt from the operation of this Act any portion of the territories subject to him, or any persons or class of persons in such territories, and may (*b*) make rules consistent with this Act—

(1) for defining more precisely the classes of persons liable under this Act;

(2) for regulating the time and manner of collecting the fees charged under this Act, and

(3) generally for the guidance of officers in all matters connected with the enforcement of this Act

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SCHEDULE

	Rs
Class I—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class .	500
Class II—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class .	200
Class III—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class	100
Class IV—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class	50
Class V—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class	20
Class VI—Every person carrying on any trade, dealing or industry who shall be adjudged by the Collector to be a licensee of this class	10

ACT No. III of 1880.

Received the Lieutenant Governor's assent on the 7th of April, 1880, and the Governor General's assent on the 6th of May, 1880.

An Act to amend the Howrah Bridge Act, 1871.

Preamble.

WHEREAS under the sanction of the Lieutenant Governor of Bengal the Commissioners for making Improvements in the Port of Calcutta, being the Commissioners appointed under Bengal Act IX of 1871, have for some time past been running steamers from Calcutta to Howrah and back, and carrying passengers and goods therein, and employing tugs and other boats in towing vessels through the Howrah bridge and generally in the service of the said bridge, and it is expedient that they should continue to own and work such steamers, tugs and boats for the purposes aforesaid, and also that the said Commissioners should have power to build, purchase, provide or procure steam-vessels and tugs and other craft and employ the same for any of the purposes aforesaid: It is hereby enacted as follows:—

To be part of Bengal Act IX, 1871.

1. This Act shall be, and shall be deemed to have always been, a part of Bengal Act IX of 1871.

Commissioners may build or acquire and run steam-vessels, &c., in the service of the bridge; and may book goods and passengers.

2. It shall be lawful for the Commissioners, with the sanction of the Lieutenant Governor of Bengal, to build or acquire in any manner whatsoever such steam or other vessels as they may think fit, and to employ the same or any of them in towing vessels through the bridge and generally in the service of the bridge, and also in carrying goods, merchandize, and passengers to and from such places in Calcutta and Howrah as may from time to time be fixed by the Lieutenant Governor, and to book and receive goods, merchandize and passengers at any such places, and to make and levy such fees and charges as may from time to time be prescribed by the Lieutenant Governor for the aforesaid duties and services.

ACT No. IV of 1880.

Received the Lieutenant Governor's assent on the 16th of March, 1880, and the Governor General's assent on the 10th of May, 1880.

An Act for amending the Calcutta Port Improvement Act, 1870.

Preamble.

WHEREAS upon the appointment of the Commissioners for making Improvements in the Port of Calcutta to be Conservators of the said Port under the provisions of section 95 of Bengal Act V of 1870, the sum of Rs. 17,65,000 was amongst others due from the said Commissioners to the Secretary of State for India in Council and it was subsequently agreed between the said Commis-

sioners and the said Secretary of State that the former should be held liable for interest on the said Rs. 17,65,000, and should not be called upon to repay the principal, and it is expedient to provide for payment of interest on the said sum; and whereas the said Commissioners have purchased Government securities of the par value of 5½ lákhs of rupees, hereinafter called the reserve fund, to meet sudden and urgent disbursements connected with the said Port, and it is expedient to exempt the same from liability for certain debts of the said Commissioners; and whereas it is expedient to empower the said Commissioners to borrow money for the estimated costs of any works hereafter to be undertaken by them, and to borrow from the said Secretary of State the sum of Rs. 53,40,349-3 in respect of works hitherto undertaken by them, and to provide for the repayment of the same, and to further amend Bengal Act V of 1870: It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Calcutta Port Improvement Act Amendment Act;"

Commencement.

It shall be read with, and taken as part of, Bengal Act V of 1870, as amended by Bengal Act VII of 1871 and Bengal Act III of 1872, and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Repeal of sections of Bengal Act V of 1870.

2. Sections 6, 7, 8, 9, 10, 41, 42, 43, 44, 45, 46, 47, 82, 83, 84 and 90 of Bengal Act V of 1870, and Schedules A, B and C annexed thereto, are hereby repealed.

This repeal shall not affect the validity of anything done or suffered, or any right, title, obligation or liability accrued before the commencement of this Act.

Property of Commissioners to be held for purposes of this Act, &c.

3. All property vested in, or acquired or held by, and all moneys paid or payable to, the Commissioners shall be held upon trust for the purposes of this Act and not otherwise.

Commissioners may borrow from Government.

4. It shall be lawful for the Commissioners to borrow from the Secretary of State for India in Council the sum of Rs. 53,40,349-3 upon the terms hereinafter mentioned.

Payment of interest.

5. Interest at the rate of 4½ per cent. per annum upon the said sum of Rs. 53,40,349-3 and upon the said sum of Rs. 17,65,000 shall be paid by the Commissioners to the said Secretary of State half-yearly; the first of such payments to be made on the 30th day of June, 1880.

Repayment of principal.

6. The said sum of Rs. 53,40,349-3, together with the interest thereon, shall be repaid by the Commissioners to the said Secretary of State by equal half-yearly instalments of such amount that the whole shall be repaid within thirty years from the commencement of this Act: provided that the Lieutenant

Governor of Bengal may, upon the representation of the Commissioners, and with the sanction of the Governor General in Council, postpone the period of repayment.

In case of default Government how to proceed.

7. In case of default of payment of any such instalment or interest, the Lieutenant Governor of Bengal may proceed to realize the same on behalf of the said Secretary of State in the manner prescribed by sections 17 and 18 of this Act; but nothing in this Act shall be deemed to confer upon the said Secretary of State any greater or prior right in respect of realization than that conferred upon other creditors of the Commissioners under this Act.

Power to repay before due date.

8. It shall be lawful for the Commissioners, if they think fit, out of any moneys which may come into their hands under the provisions of this Act, to repay to the said Secretary of State any sum which for the time being may remain due to him under the provisions of this Act for principal, although the time fixed for the repayment of the same shall not have arrived: provided that no such repayment shall be made of any sum less than ten thousand rupees; and that if any such repayment is made, the amount of interest in each succeeding half-yearly instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal.

Money may be raised for works, &c.

9. If the Lieutenant Governor of Bengal shall by an order published in the *Calcutta Gazette* so direct, it shall be lawful for the Commissioners from time to time to raise money for the estimated cost of any works or arrangements sanctioned by him to such extent as he may from time to time direct.

Security for loans.

10. In such case it shall be lawful for the Commissioners to raise a loan or loans on the security of all, or, with the sanction of the Lieutenant Governor of Bengal, of any portion of the property, vested in or acquired by them under this Act, other than the said reserve fund or the sinking fund provided for by section 11 of this Act, or on the security of the total aggregate amount of the proceeds of all or any of the tolls, duties, rates and charges leviable under this Act.

Loans to be contracted in India.

11. Unless the Lieutenant Governor of Bengal with the previous sanction of the Governor General in Council shall by an order published in the *Calcutta Gazette* otherwise direct, such loans shall be contracted in India and in the Indian currency, and the Commissioners shall accumulate by half-yearly instalments in the case of each of such loans a sinking fund of such an amount as will suffice to liquidate such loan within a period not exceeding thirty years from the date of the contracting of the same.

Such sinking fund shall be invested in the names of two trustees, one to be appointed by the Lieutenant Governor of Bengal, and one by the Commissioners, in the promissory notes, debentures, stock and other securities of the

Government of India, or in the debentures issued by the Commissioners under this Act.

Loans to be a first charge on property.

12. Such loans and the interest thereon shall be a first charge on the property or on the tolls, duties, rates and charges on the security of which such loans shall have been raised as provided by section 10 of this Act.

Application of funds raised.

13. All the moneys so to be raised shall be applied by the Commissioners to the following purposes:—

(*a*) the construction and repair of works and erections necessary or expedient for the carrying out of the purposes of this Act;

(*b*) the acquisition of immoveable and moveable property requisite for such construction or repair as aforesaid;

(*c*) the payment of such salaries, fees and expenses, and such principal and interest as may be due by the Commissioners.

Application of surplus receipts.

14. Whenever the half-yearly accounts to be laid before the Lieutenant Governor of Bengal under the provisions of this Act show a surplus for the half-year of receipts over expenditure, such surplus, or so much thereof as the Commissioners shall think fit, may be invested by the Commissioners in the purchase in their corporate name of promissory notes, debentures, stock and other securities of the Government of India, and the interest thereof may be accumulated and invested in like manner, with power to the Commissioners at any time to dispose of any such securities, and to apply the proceeds and interest thereof, with the sanction of the Lieutenant Governor of Bengal, in or towards any of the purposes of this Act.

Payment of debentures by fresh mortgage of rates.

15. The Commissioners may at any time according to the provisions aforesaid, and with the approval of the Lieutenant Governor of Bengal, raise in any of the ways aforesaid any money that may be required to pay any amount for the time being due from the Commissioners under this Act.

Form of debentures.

16. All debentures which may be issued under the authority of this Act shall be in the form contained in the schedule hereto annexed, or in such form as may from time to time be approved by the Commissioners and the Lieutenant Governor of Bengal, and shall be transferable by endorsement; and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Remedy by attachment if interest not paid.

17. If the interest on any loan under this Act is not paid according to the conditions of the loan, the Lieutenant Governor of Bengal may of his own motion, and shall upon the application of lenders holding not less than one-third in value of the total of the loan in respect of the payment of the interest on which default has been committed, attach the tolls, duties, rates fund or property on the security of which the loan was made. After such attachment,

no person except an officer appointed by the Lieutenant Governor of Bengal shall in any way deal with the attached tolls, duties, rates, fund or property; but such officer may do all acts in respect thereof which the borrower might have done if such attachment had not taken place, and shall apply the proceeds in satisfaction of the interest on the loan and charges due in respect thereof and of all expenses involved by the attachment and subsequent proceedings, and on satisfaction of such interest, charges and expenses, the property so attached shall be at once released No default in payment of interest shall render the loan repayable

Remedy by attachment if loan not repaid

18 If any loan made under this Act is not repaid according to the conditions of the loan, the Lieutenant Governor of Bengal may of his own motion, and shall upon the application of lenders holding not less than one-third in value of the total of the loan on which default has been committed, attach the tolls, duties, rates, fund or property on the security of which the loan was made After such attachment, no person except an officer appointed by the Lieutenant Governor of Bengal shall in any way deal with the attached toll, duty, rate, fund or property, but such officer may do all acts in respect thereof which the borrower might have done if such attachment had not taken place, and shall apply the proceeds in satisfaction of the loan, and of all charges due in respect thereof, and of all expenses involved by the attachment and subsequent proceedings

How attachment is to be made.

19 The attachment of any toll, duty, rate, fund or any property held as security for any loan under this Act shall be made by a notice addressed to the Commissioners prohibiting the collection of the proceeds of such toll, duty, rate or fund, or suspending the management of such property by the Commissioners, and vesting the administration thereof in such officer as the Lieutenant Governor of Bengal may appoint This notice shall be published in the *Calcutta Gazette*, and otherwise as may be directed by the Lieutenant Governor of Bengal within the local limits of the Commissioners The moneys collected or received under such attachment shall be paid into the Government treasury, and the accounts of such moneys shall be prepared in such form as the Lieutenant Governor of Bengal may, on the report of the Accountant General, from time to time direct A copy of such accounts shall be published in the *Calcutta Gazette*, and shall, if the Governor General in Council so direct, be submitted to him.

Lieutenant Governor em powered to make byelaws.

20 The Lieutenant Governor of Bengal may, on the recommendation of the Commissioners, from time to time make such bye-laws consistent with this Act and with the Indian Ports Act, 1875, as he may think necessary for any of the following purposes (that is to say) —

(*a*) for regulating, declaring and defining the wharves, quays, stages,

jetties and piers on and from which goods shall be landed from, and shipped in, vessels within the port;

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties and piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same;

(*c*) for regulating the reception and removal of goods within and from the premises of the Commissioners, and for declaring the procedure to be followed for taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(*d*) for the mode of payment of tolls, charges, dues and rates levied under this Act;

(*e*) for the removal of wrecks from the port or the river, and keeping clean the port, the river, the bank of the river, and the works of the Commissioners, and for preventing filth and rubbish being thrown therein or thereon;

(*f*) for otherwise carrying out the purposes of this Act;

and may from time to time, on the recommendation aforesaid, vary, alter or revoke any such bye-law so made by him.

Previous to the making, alteration or revocation of any such bye-law the recommendation of the Commissioners in respect thereof shall be published for three weeks successively in the *Calcutta Gazette*.

Amendment of section 39 (2) of Bengal Act V of 1870.

21. To section 39 (2) of Bengal Act V of 1870 the following words shall be added, that is to say:—

" or carried; such tramways with the previous sanction of the Lieutenant Governor of Bengal, to be worked by locomotive engines or other motive power drawing or propelling carriages and wagons for the conveyance of goods therein;"

and the said section shall be read and construed as if the said words had been originally therein inserted.

(SCHEDULE *referred to in section 16.*)

FORM OF DEBENTURE.

The Commissioners for making Improvements in the Port of Calcutta.

The *18*

No.

By virtue of the Act No. IV of 1880 of the Council of the Lieutenant Governor of Bengal for making Laws and Regulations, entitled "The Calcutta Port Improvement Act Amendment Act," we, the Commissioners for making Improvements in the Port of Calcutta, in consideration of the sum of Rs.

paid to us by *A B* of do hereby charge all the property vested in or acquired by us under the said Act (except as provided by section 10 of the same), and the tolls, duties and rates leviable under the said Act (*or if any portion of the property is to be charged state the portion charged*), with the payment to the said *A B*, his executors, administrators and assigns of the sum of , and interest thereon at the rate of per cent per annum, which sum of is to be paid and payable to the said *A B*, his executors, administrators and assigns at the on the day of , with interest on the same at the rate of per cent per annum, payable half yearly at said place on every day of , and we hereby undertake to pay the said sum of and interest aforesaid as above-mentioned.

(Signatures of the Chairman or Vice-Chairman and two Commissioners.)

ACT No. V OF 1880.

Received the Lieutenant Governor's assent on the 12th of April, 1880, and the Governor General's assent on the 17th of May, 1880

An Act to make Vaccination compulsory.

WHEREAS it is expedient to make vaccination compulsory in the town, port and suburbs of Calcutta, and in other towns and selected local areas in the territories administered by the Lieutenant Governor of Bengal to which this Act may be hereafter extended It is hereby enacted as follows — Preamble

PRELIMINARY

1 This Act may be called "The Bengal Vaccination Act, 1880," Short title.

It applies in the first instance only to the town, port and suburbs of Calcutta as hereinafter defined, Extent.

But the Lieutenant Governor may, by notification published in the *Calcutta Gazette*, declare his intention to extend this Act, or any of its provisions, to any town or selected local area in the territories administered by him Power to extend Act to towns and local areas.

Any inhabitant of such town or area objecting to such extension may, within six weeks from the said publication, send his objection in writing to the Secretary to the Government of Bengal, and the Lieutenant Governor shall take such objection into consideration Objection to such extension.

When six weeks from the said publication have expired, the Lieutenant Governor, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if in his opinion they are insufficient, may by like notification effect the proposed extension. Procedure thereon.

The Lieutenant Governor shall cause the substance of any notification mentioned in this section to be proclaimed and notified within the town or area affected by the same, in the vernacular of such town or area, by such means, and in such manner, as he may direct.

Commencement.

This Act shall come into force from the day on which it may be published in the *Calcutta Gazette* with the assent of the Governor General; but its operation in any place may at any time be suspended by the Lieutenant Governor by notification in the said *Gazette*.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Town of Calcutta."

"Town of Calcutta" includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature at Fort William in Bengal:

"Port of Calcutta."

"Port of Calcutta" means the Port of Calcutta subject to the jurisdiction of the Commissioners appointed under Bengal Act V of 1870:

"Suburbs of Calcutta."

"Suburbs of Calcutta" means the suburbs defined by the notification of the 10th September, 1877, and published in the *Calcutta Gazette* of the 26th September, 1877:

"Parent."

"Parent" includes the father and mother of a legitimate child, and the mother of an illegitimate child:

"Guardian."

"Guardian" means any person to whom the care, nurture, or custody of any child falls by law, or by mutual right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf:

"Public vaccinator."

"Public vaccinator" means any vaccinator appointed under this Act, or any person duly authorized to act for such public vaccinator:

"Medical practitioner."

"Medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery, or specially licensed by the Lieutenant Governor to practise vaccination and grant certificates under the provisions of this Act.

"Unprotected child."

"Unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible of vaccination:

"Unprotected person."

"Unprotected person" includes a child who has no parent or guardian, and means a person who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible of vaccination:

"Section" means a section of this Act *"Section"*

VACCINATION OF CHILDREN

3 The parent or guardian of every child born in any place to which this Act applies as above provided, or may hereafter be extended, shall within one year after the birth of such child, and *Parent or guardian of children born in compulsory limits,*

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in such place aforesaid shall, within six months after such child's arrival in such place, or if the child be at the time of its arrival less than one year old, within one year and three months after its birth, and *and of unprotected children brought to reside in such limits,*

the parent or guardian of every unprotected child living in such place at the date of this Act coming into force therein, and whose age at such date exceeds one year, but does not exceed fourteen years, shall, within six months from the said date, *or living in such limits at the date of this Act coming into force,*

take it, or cause it to be taken, to a public vaccine-station to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner or public vaccinator, *must procure their vaccination*

and any public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination at such vaccine-station, or who is requested to vaccinate such child elsewhere than at a public vaccine-station, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child *Public vaccinator bound to vaccinate all children brought to him*

4 At an appointed hour, upon the same day in the following week, after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on an earlier day if the public vaccinator or medical practitioner so desires, the parent or guardian shall cause the child to be inspected by the public vaccinator or medical practitioner by whom the operation was performed, that the result of the operation may be ascertained, and it shall be the duty of any public vaccinator who has vaccinated a child elsewhere than at a public vaccine-station to visit the child at the time and for the purpose abovementioned, whether he is requested to do so or not *Inspection*

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated, and subsequently inspected as on the previous occasion *Repetition of vaccination.*

No fee shall be charged by a public vaccinator for anything done by him under this section

5 If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the *If child be unfit for vaccination, cer-*

tificate in form (A) to be given

parent or guardian of such child a certificate under his hand according to the form of Schedule (A) hereto annexed, or to the like effect, that the child is then in a state unfit for vaccination.

which shall remain in force for three months but shall be renewable

The said certificate shall remain in force for three months only, but shall be renewable for successive periods of three months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated and a certificate of successful vaccination given in the form of Schedule (C) hereto annexed, according to the provisions of section seven, if warranted by the result.

Provision for giving certificates of insusceptibility of successful vaccination

6. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the child brought to him for vaccination has already been successfully inoculated or had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule (B) hereto annexed, or to the like effect, and if the Superintendent of Vaccination be satisfied that such child is insusceptible of successful vaccination, he shall endorse such certificate, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Provision for giving certificates of successful vaccination

7. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule (C) hereto annexed, or to the like effect, certifying that the said child has been successfully vaccinated.

No fee to be charged for vaccination at a public vaccine-station or for certificates

8. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station :

Proviso

But when a public vaccinator attends at the request of the parent or guardian elsewhere than at a public vaccine-station for the purpose of vaccinating a child, he shall be paid a fee not exceeding eight annas, such fee to be devoted to the purposes in the next succeeding section mentioned.

Fees how to be appropriated

9. All such fees shall, in Calcutta, be paid in by the public vaccinator to the credit of the Corporation of the Town of Calcutta, and be by them appropriated for the purposes of this Act. In places outside Calcutta such fees shall be appropriated as the Lieutenant Governor may from time to time direct.

Superintendent of Vaccination or his assistants may inspect vaccination of child

10. The Superintendent of Vaccination as hereinafter appointed or any of his assistants may from time to time inspect the vaccination of any child, whether performed by a public vaccinator or medical practitioner, and may, if he think fit, direct that such child be forthwith again vaccinated

Vaccination of Unprotected Persons.

11. Every unprotected person may, whenever the said Superintendent of Vaccination shall deem it advisable, be served with a notice in the form in Schedule (D) hereto annexed, requiring him within fifteen days after the service of the same to submit himself to a public vaccinator or medical practitioner to be vaccinated, and every such person shall within the said period submit himself to a public vaccinator or medical practitioner for vaccination.

Unprotected persons to be vaccinated.

12. The provisions of sections three to ten (both inclusive) shall apply with the necessary alterations to the case of unprotected persons.

Former sections applicable.

13. The powers conferred by sections eleven and thirty upon the said Superintendent of Vaccination may in the case of unprotected persons arriving in the Port of Calcutta be exercised by the Health Officer of the said Port immediately upon their arrival.

Health Officer of Port may cause vaccination of unprotected persons on their arrival.

Procedure applicable to the Town of Calcutta only.

14. For the purposes of this Act, the Corporation of the Town of Calcutta (hereinafter called the Corporation) shall, subject to the approval of the Lieutenant-Governor, appoint such stations for the performance of vaccination as they shall from time to time deem fit. Such stations shall be called "public vaccine-stations."

Public vaccine-stations.

The Corporation shall appoint such public vaccinators and vaccination-establishments for carrying out the purposes of this Act as they shall from time to time deem fit.

Appointment of public vaccinators, &c.

The positions of the public vaccine-stations fixed under the provisions of this section, and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as the Corporation may direct.

Notification of stations and hours of attendance.

15. The Corporation may from time to time make such rules, consistent with this Act, as they may deem fit, for regulating the expenses of such vaccination-establishments aforesaid, the payment of public vaccinators, and the realization and scale of fees under this Act.

Power of Corporation to make rules.

16. The Health Officer for the Town of Calcutta shall be *ex officio* Superintendent of Vaccination for the said town. Such officer, subject to the orders of the Lieutenant-Governor, shall have a general control over all the proceedings of public vaccinators, and shall perform such duties in connection with public vaccination, in addition to those prescribed by this Act, as shall be required by the Lieutenant-Governor.

Superintendent of Vaccination.

The Lieutenant-Governor may appoint, if necessary, one or more assistants to the Superintendent, and from time to time remove any such assistant.

Assistant Superintendents.

Expenses of establishments to be a charge on the Corporation.

17. The expenses of all vaccination-establishments under this Act, and of the supply of lymph in Calcutta, shall, unless the Lieutenant-Governor otherwise direct, be defrayed by the Corporation.

Registration.

Registrar of Births to give notice of the requirement of vaccination.

18. On the registration of the birth of any child under the provisions of Chapter X of "The Calcutta Municipal Consolidation Act, 1876," or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule (E) hereto annexed, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Duplicates of all certificates to be transmitted to the Registrar.

19. Every public vaccinator or medical practitioner, who gives to any parent or guardian a certificate in any of the forms of the said Schedules (A), (B) and (C), shall, within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered; or, if that be not known to him, or, if the child was born out of the Town of Calcutta, or his birth has not been registered in the said town, to the Registrar of the district within which the child was vaccinated or presented for vaccination.

Registrar to keep a vaccination notice and certificate book,

20. The Registrar of Births shall keep a book in such form as may from time to time be prescribed by the rules made under section thirty-three, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

and also a duplicate register of births, with entries concerning vaccination,

21. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of "The Calcutta Municipal Consolidation Act, 1876," or of any other law for the time being in force, with such additional columns as shall from time to time be prescribed by the rules made under section 33, in which he shall record the date of every duplicate certificate in the form of the said Schedule (B) or Schedule (C) received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated or is insusceptible of vaccination, as the case may be.

and also a register of postponed vaccinations.

22. He shall also keep a register of postponed vaccinations in the form of Schedule (F) hereto annexed, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of the said Schedule (A), together with the date of such duplicate certificate, and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

23. Every Registrar shall transmit on or before the fifteenth of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the rules made under section thirty-three, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

Transmission of returns to Superintendent.

24. The Lieutenant-Governor may direct that the duties imposed on the Registrar of Births under sections nineteen, twenty, twenty-one, twenty-two and twenty-three shall be performed by any other person appointed by the Lieutenant-Governor.

Lieutenant-Governor may direct any person to perform duties of Registrar.

PROCEDURE APPLICABLE OUTSIDE THE TOWN OF CALCUTTA.

25. In any municipality other than the Town of Calcutta, and in any local area to which this Act may hereafter be extended, the Magistrate of the district may exercise all or any of the powers by this Act conferred upon the Corporation;

Powers of Corporation may be exercised in Mufassal by Magistrate of the district;

and the Civil Surgeon of the district or such other officer as the Lieutenant-Governor may from time to time appoint in that behalf shall exercise the powers and perform the duties by this Act assigned to the Superintendent of Vaccination.

and Superintendent of Vaccination by Civil Surgeon.

PROSECUTIONS AND OFFENCES.

26. If the Superintendent of Vaccination shall notify in writing to a Magistrate that he has reason to believe from the statement of an informant or otherwise that any child under the age of fourteen years is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him; and if the Magistrate shall find, after such enquiry as he shall deem necessary, that the child is an unprotected child, he may, whether the child has been produced or not, make an order directing such child to be vaccinated within a certain time. If the child is at any time produced before him, the Magistrate may, unless the child is certified under section five to be in a state unfit for vaccination, order it to be vaccinated forthwith in his presence, and in that case may punish such parent or guardian for any recusancy under this clause with fine which shall not exceed five rupees.

Magistrate may make an order for the vaccination of any unprotected child under 14 years.

If at the expiration of the time appointed by the Magistrate the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees;

Penalty for disobedience of such order.

Proviso for costs to person improperly summoned.

Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may direct the said Superintendent to disclose the name of his informant, if any, and may order such informant to pay to such person such sum of money as the Magistrate shall consider a fair compensation for expenses and loss of time in attending before him;

Provided also that nothing in this section shall be held to compel the production before a Magistrate of any female child above the age of eight years.

Penalty for not producing a child.

27. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be liable to fine which may extend to one hundred rupees, and to a further fine of twenty-five rupees for every day during which the offence continues;

Provided that the aggregate amount of fine for such offence shall not exceed one thousand rupees.

Penalty for neglect to be vaccinated

28. Whoever, in contravention of this Act,

(*a*) neglects without reasonable excuse to submit himself within fifteen days after the service on him of the notice prescribed by section eleven to a public vaccinator or medical practitioner to be vaccinated, or after vaccination to be inspected, or

Penalty for neglect to take child to be vaccinated, &c.

(*b*) neglects without reasonable excuse to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

(*c*) neglects to fill up and sign and give to any person or to the parent or guardian of any child any certificate which such person, parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees.

No prosecution under this section shall be instituted after the expiry of twelve months from the date on which the offence has been committed.

Penalty for making or signing false certificate.

29. Whoever wilfully signs or makes, or procures the signing or making of, a false certificate or duplicate certificate under this Act, shall be punished with imprisonment of either description, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Prosecutions to be instituted by Lieutenant-Governor or Superintendent of Vaccination.

30. All offences under this Act shall be cognizable by a Magistrate, subject to the provisions of any law for the time being in force for the trial of offences; but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, the Lieutenant-Governor or the Superintendent of Vaccination.

31. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of the said Schedule (A), when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid. **Prosecution for neglect.**

MISCELLANEOUS.

32. It shall be the duty of the Superintendent of Vaccination to show in an annual return the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year; and generally to fill up any forms that may be prescribed from time to time by the Lieutenant-Governor or the Corporation. **Annual return to be made of the number of children vaccinated, &c.**

33. The Lieutenant-Governor may from time to time make rules or issue orders consistent with this Act— **Lieutenant-Governor to make rules.**

(*a*) determining the qualifications to be required of public vaccinators;

(*b*) regulating the scale of fees to be paid outside the Town of Calcutta;

(*c*) regulating the gratuitous vaccination of such females as are by the custom of the country unable to attend at the public vaccine-stations and are too poor to pay fees;

(*d*) providing for the supply of lymph;

(*e*) regulating the books and forms to be kept by the public vaccinators or by Registrars, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act; and generally

(*f*) for the guidance of public vaccinators and others in all matters connected with the working of this Act.

All such rules or orders shall be published in the *Calcutta Gazette.*

SCHEDULE A.

(*See section 5.*)

I, the undersigned, hereby certify that in my opinion , the child of , resident at , is not now in a fit and proper state to be vaccinated, and I do hereby recommend that the vaccina-

tion be postponed for the period of three months from this date Dated this day of 18

(*Signature of Medical Practitioner or Public Vaccinator*)

SCHEDULE B

(*See section 6*)

I, the undersigned hereby certify that I have three times unsuccessfully vaccinated , the child of , residing at (*or* that the child has already had small pox, *as the case may be*), and I am of opinion that the said child is insusceptible of successful vaccination Dated this day of 18

(*Signature of Medical Practitioner or Public Vaccinator*)

(*Endorsement by Superintendent of Vaccination*)

SCHEDULE C

(*See section 7*)

I, the undersigned hereby certify that , the child of age , resident at , has been successfully vaccinated by me Dated this day of 18

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D

(*See section 11*)

To

Take notice that you are hereby required under the provisions of the Bengal Vaccination Act, 1880, to submit yourself to a public vaccinator or medical practitioner within fifteen days from the service of this notice for vaccination, and that in default of so doing you will be liable to a fine which may amount to fifty rupees

The public vaccine-station nearest your house is at The days and hours for vaccination at that station are as follows —

(*Here insert the days and hours when the public vaccinator is in attendance*)

On your attending before a public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the town on the days and within the hours prescribed for public vaccination at such station, you will be vaccinated free of charge

If you wish to be vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of

Dated the of 18

Superintendent of Vaccination,
or Civil Surgeon, as the case may be.

SCHEDULE E.

(*See section 18.*)

To

(*Here insert the name of the parent, guardian, or other person who gives information of the child's birth.*)

Take notice that the child of (*here enter the mother's name*), whose birth has this day been registered, must be vaccinated under the provisions of the Bengal Vaccination Act, 1880, within one year from the date of its birth, under penalty.

The public vaccine-station nearest to the house in which the child was born is at No. . The days and hours for vaccination at that station are as follows :—

(*Here insert the days and the hours when the public vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the city on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

If you wish to have the child vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the of 18 .

Registrar of Births.

SCHEDULE F.

(*See section 22.*)

Register of Postponed Vaccinations for the District of

Consecutive number.	Name of child.	Birth.		Date of certificate of postponement.		Signature of Registrar
		Year	Number of entry in register			
				1878.		
1	Ram Chunder Dass ...	1878	12	May	10	H. O.

BENGAL DRAINAGE ACT, 1880.

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ACT No. VI OF 1880.

Received the Lieutenant-Governor's assent on the 22nd of April, 1880, and the Governor General's assent on the 28th of May, 1880.

An Act to provide for the Drainage and Improvement of Lands.

WHEREAS it is expedient that provision should be made for the better drainage and improvement of lands in the territories administered by the Lieutenant-Governor of Bengal: It is hereby enacted as follows:— Preamble.

PRELIMINARY.

1. This Act may be called "The Bengal Drainage Act, 1880:" Short title.

It extends to all the territories for the time being under the administration of the Lieutenant-Governor of Bengal; Extent.

and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General. Commencement.

Repeal of Bengal Act V of 1871.

2. Bengal Act V of 1871 *(The Hughli and Bardwán Drainage Act)* shall be repealed on and from the date upon which this Act comes into force, but, subject to the provisions of this Act, this repeal shall not affect the past operation of such Act, or anything duly done or suffered, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Interpretation-clause.

3 In this Act, unless there be something repugnant in the subject or context,—

"The Collector."

"The Collector" means the officer in charge of the revenue-jurisdiction of the district within which the lands which form the subject of a scheme under this Act, or the greater portion of such lands, are situate. If any doubt arises as to whether the greater portion of the lands is situate within one of two or more districts, the Board of Revenue shall decide the point, and such decision shall be final.

"The Commissioners."

"The Commissioners" mean the Drainage Commissioners to be appointed under this Act.

"Estate."

"Estate" means land included under one entry in the general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by any Collector of a district, or a share of, or interest in, such land.

"Proprietor."

"Proprietor" means a person who as owner is solely or jointly in possession of an estate.

"Tenure."

"Tenure" means—

(1) a permanent rent-paying interest in land immediately subordinate to that of a proprietor, and superior to that of a raiyat, extending to not less than one hundred standard bighás affected or to be affected by any works under this Act.

(2) a permanent revenue-free or rent-free interest in land affected or to be affected by any works under this Act, when there exists no rent-paying interest in the same land between the proprietary interest in the estate and such revenue-free or rent-free interest.

"Undertenure."

"Undertenure" means—

(1) a permanent rent-paying interest in land subordinate to that of a tenure-holder and superior to that of a raiyat, extending to not less than one hundred standard bighás affected or to be affected by any works under this Act;

(2) a revenue-free or rent-free interest in land affected or to be affected by any works under this Act, when there exists a rent-paying interest in the same land between the proprietary interest in the estate and such revenue-free or rent-free interest.

Explanation.

The term "permanent" is used with reference to the tenure or undertenure itself, and not with reference to the person who happens to hold such tenure or undertenure for the time being. A tenure or undertenure is none the less permanent although held by a Hindú widow, a Sebait or a person subject to the Mitakshara law.

"Landholder" and "holder of land" mean— "Landholder" and "holder of land"

(1) any person who as owner of an estate is solely or jointly in possession thereof:

(2) any person who as owner of a tenure or undertenure is solely or jointly in possession thereof:

Where two or more persons are joint landholders, they shall be jointly and severally liable under this Act, except as is otherwise expressly provided herein:

"Reclaimed land" means land which was unfit for cultivation before the execution of any works under this Act, but which has been rendered productive by such works: "Reclaimed land."

"Improved land" means land which was more or less fit for cultivation before the execution of any works under this Act, but of which the productive powers have been increased by such works: "Improved land."

"Part" and "section" mean, respectively, a part and section of this Act. "Part" and "section."

PART I.

Appointment of Commissioners and Conduct of Business.

4. Whenever it appears expedient to the Lieutenant-Governor to carry out any scheme and plans for the drainage and improvement of any tract of land, the Lieutenant-Governor may appoint any number of persons, not less than seven, of whom the majority shall be qualified by being holders of lands to be affected by the works mentioned in the said scheme and plans, or managers on behalf of such holders, to be Drainage Commissioners for carrying out the provisions of this Act; Lieutenant-Governor to appoint Commissioners.

and the Lieutenant-Governor may from time to time remove or accept the resignation of any such Commissioner, or may add to the number of the Commissioners, and may appoint another person in the place of any such Commissioner dying, resigning, being removed or ceasing to reside in the district in which such lands are situate, but so as that the majority of the Commissioners shall always be persons qualified as aforesaid.

No act done or proceeding taken by the Commissioners shall be invalid merely on the ground that at the time of doing such act or of taking such proceeding the majority of the Commissioners were not persons qualified as aforesaid.

Lieutenant Governor to appoint Chairman Commissioners may sue and be sued in his name

5. The Lieutenant-Governor shall from time to time appoint one of the persons so appointed Commissioners as aforesaid to be Chairman of the Commissioners, and may at any time, if he see fit, revoke such appointment and appoint another of such persons to be Chairman. The Commissioners may sue and be sued in the name of their Chairman.

Meetings of Commissioners and quorum

6. The Commissioners shall ordinarily meet for the transaction of business once at least in every quarter. Such meeting shall be held upon such day and at such hour as the Commissioners shall from time to time determine No business shall be transacted at any meeting unless at least three members are present at the commencement and close of such business.

Extraordinary meetings

7. The Chairman of the Commissioners may, whenever he thinks fit, and shall, upon request made in writing by three of the Commissioners, call an extraordinary meeting of the Commissioners.

Presidency of meetings

8. The Chairman shall preside at every meeting of the Commissioners, but in case of his absence at the time appointed for holding a meeting, the Commissioners present may choose one of their number to be president of such meeting.

Transaction of business at meetings

9. (1.) All questions at any meeting, including the question of adjourning such meeting, shall be decided by a majority of votes of the members present. In case of an equality of votes the president for the time being of such meeting shall have a second or casting vote.

Delegation of powers to Committee

(2.) The Commissioners may delegate any of their powers to Committees consisting of such member or members of the body as they think fit. Any Committee so formed shall, in the exercise of the powers delegated, conform to any regulations that may be imposed on them by the Commissioners.

Election of Chairman of Committee

(3.) A Committee may elect a Chairman at their meetings. If no Chairman is elected, or if he is not present at the time appointed for holding any meeting, the members present shall choose one of their number to be Chairman of the same.

Adjournment voting &c of Committee

(4.) A Committee may meet and adjourn as they think proper. Questions at any meeting shall be determined by a majority of votes of the members present, and in case of an equal division of votes the Chairman shall have a second or casting vote.

Power to appoint servants.

10. The Chairman of the Commissioners may by an order in writing appoint and dismiss such servants and officers, other than engineers and their subordinates, as may be required for the purposes of this Act, and he may control them as he shall see fit. There shall be paid to such servants and officers, respectively, such salaries as may appear to the Commissioners to be proper

11. The Lieutenant-Governor may, when satisfied that the objects of their appointment have been fulfilled, direct that the powers and functions of the Commissioners shall cease.

When objects of their appointment fulfilled, Lieutenant Governor may direct Commissioners' powers and functions to cease

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PART II.

DRAINAGE SCHEME.

12. The Commissioners shall within three months after their appointment cause a notification in the language of the district to be published by beat of drum in every village in which may be situate any portion of the lands to be affected by the works proposed in such scheme and plans. Every such notification shall be in the form in Schedule (A) hereto annexed, and shall further be published by posting the same at the office of the Collector and of the Sub-divisional Officer and in some conspicuous part of the village aforesaid, and at the Court of the Munsif within whose jurisdiction, and at the tháná within the limits of which, such village is situate.

Commissioners to cause a notification of the scheme to be published.

13. After the date named in such notification, a list of the persons who may have given their assent or made any objection in writing in accordance with such notification shall be prepared and published in the manner provided in section 12 for the information of all concerned. Such list shall contain a specification of the land in respect of which such persons claim to vote as landholders, and of the titles in virtue of which they claim to vote respectively: and there shall be appended thereto a notice that objections to the right of voting so claimed must be lodged with the Commissioners within one month after the publication of the said list.

List of persons assenting or objecting to be published.

14. (1.) The Commissioners may, at some meeting to be held not less than one month after such list has been published under the provisions of section 13, proceed to ascertain whether the holders of half of the lands to be reclaimed or improved have assented in writing to the adoption of the scheme. For the purpose of so ascertaining the Commissioners shall take into account the vote of not more than one landholder in respect of any one portion of the area affected, and whenever more than one landholder shall have given his vote in respect of the same portion of such area, the Commissioners shall take into account the vote of the landholder who holds the lowest interest in respect of such area, and shall not take into account in respect of such area the vote of any superior landholder who may have voted

Commissioners how to ascertain whose proprietors have assented

Example—

A gives his vote as proprietor of 5 000 bighás,

B as patnídár of 2,000 bighás included in A's proprietary of 5,000 bighas,

C as mokararidár of 100 bighas included in B's patní,

D as holding a permanent jama of 500 bíghás included in A's proprietary of 5,000 bíghás; but not in B's patní of 2,000 bíghás.

The Commissioners shall take into account the votes of the respective landholders in respect of the following areas :—

D for	500	bíghás.
C „	100	„
B „ (2,000 − 100 =) . . .	1,900	„
A „ (5,000 − 2,000 − 500) . .	2,500	„
Total . .	5,000	„

Vote for estate, tenure, &c., held by two or more co-sharers.

(2.) One vote only shall be allowed in respect of an estate, tenure or undertenure belonging to two or more co-sharers. In order to ascertain whether this vote shall be taken as assenting or objecting to the adoption of the scheme, regard shall be had to the votes of the co-sharers individually, and account shall be taken of those only who actually vote. If the majority assent, a vote of assent shall be deemed to have been given in respect of the estate, tenure or undertenure. If the majority object, a vote of objection shall be deemed to have been given. If the number assenting and the number objecting are equal, no vote shall be deemed to have been given in respect of such estate, tenure or undertenure.

Person voting to specify the extent of their lands.

15. The Commissioners may in their discretion refuse to take into account the vote of any person who, after being required to do so, fails to specify the extent of land held by him, and the nature of the interest which he has in such land.

Commissioners to decide who is entitled to vote.

16. (1) Whenever the right of any person to vote as a holder of any land shall be disputed, the Commissioners shall determine whether the vote of such person shall or shall not be accepted in respect of such land, and their determination shall be final for the purposes of section 17; provided that any "recorded proprietor," as defined by section 3 of "The Land Registration Act, 1876," shall be entitled to vote in respect of any property of which he is the recorded proprietor.

Vote for property held by a minor or lunatic.

(2.) In the case of a landholder who is a proprietor disqualified to manage his own property under the provisions of "The Court of Wards Act, 1879," or any similar law for the time being in force, or who is a minor or a lunatic, the right to vote shall be exercised by any manager of the property of such disqualified proprietor or minor or lunatic, appointed by the Court of Wards or by the Civil Court under the provisions of any law for the time being in force, or, where no such manager has been appointed, by any person who, in the opinion of the Commissioners, duly represents the interests of such minor or lunatic.

(3.) Where the holder of any land cannot be found, such land shall be altogether excluded in any computation that may be made in order to determine whether the landholders of not less than half of the area to be reclaimed or improved have assented to the adoption of the scheme.

Case of landholder not found.

17. If the landholders of not less than half of the area to be reclaimed or improved, ascertained as above provided, shall have assented to the adoption of the scheme, and not otherwise, the Commissioners shall proceed to consider such scheme, together with the plans and estimates for carrying out the same, and shall further consider such objections as have been made thereto; and may adopt such schemes, plans and estimates, or may alter and modify the same, and adopt the scheme, plans and estimates so altered or modified, or may disapprove or reject the same.

If half of landholders agree, Commissioners to consider the scheme submitted.

18. If the landholders of half of the area to be reclaimed and improved do not assent to such scheme, but the landholders of half the area to be affected by some portion of such scheme assent thereto, the Commissioners may resubmit such portion of the scheme to the Lieutenant-Governor, and may, with his approval, proceed thereupon in manner aforesaid.

Power to proceed with portion of scheme.

19. If the Commissioners adopt such scheme, plans and estimates, or any modification or alteration thereof, they shall, within one month after such scheme, plans and estimates, or some modification or alteration thereof, have been adopted by them, cause the same to be laid before the Lieutenant-Governor, and the Lieutenant-Governor may sanction the scheme, plans and estimates so adopted, or any portion thereof, as to him shall seem fit.

Scheme approved by Commissioners to be laid before the Lieutenant-Governor.

20. (1.) The Commissioners may, with the previous assent of the Lieutenant-Governor, at any time reconsider any scheme, plans or estimates adopted by them, and add to, alter or modify the same;

Power to reconsider scheme and modify it.

and when any addition, alteration or modification has been adopted by them, they shall cause the same to be laid before the Lieutenant-Governor:

the Lieutenant-Governor may sanction such addition, alteration or modification, or any portion thereof, as he may think fit,

and thenceforth the provisions of this Act shall apply to such addition, alteration or modification as if it had been a portion of the original scheme, plans or estimates; and every such addition, alteration or modification, after it has been adopted, shall be published by the Commissioners as to them shall seem fit.

No such addition, alteration or modification shall be adopted at a meeting at which the majority of the members present are not qualified as provided by section 4.

(2.) No addition, alteration or modification under clause (1), to or of any scheme which affects any lands other than those which would be affected by

Publication of modified scheme.

some scheme theretofore published, shall be adopted by the Commissioners until the same has been published for not less than fifteen days, according to the provisions of section 12, in every village in which may be situate any portion of the lands to be affected by such addition, alteration or modification; nor shall any such addition, alteration or modification be adopted unless the landholders of not less than half the entire area to be affected by the scheme as so added to, altered or modified assent to the same.

Powers for the acquisition of land.

21. When the Lieutenant-Governor has sanctioned any scheme, plans and estimates as aforesaid, or some portion thereof, he may direct proceedings to be taken under the provisions of "The Land Acquisition Act, 1870," or any other law for the time being in force for the acquisition of land for public purposes, in order to obtain any land likely to be required for the works mentioned in such sanctioned scheme, plans and estimates, or any portion thereof.

Lieutenant-Governor may order scheme to be carried out.

22. The Lieutenant-Governor may, if he thinks fit, order the works specified in such sanctioned scheme, plans and estimate, or portion thereof, to be executed by an officer to be thereunto appointed by the Lieutenant-Governor, and may, subject to the sanction of the Governor-General of India in Council, order the advance from the public funds of such sum of money as may be required for the purpose of making such improvements; and such officer may cause the works specified in such scheme and plans to be executed, and for that purpose may by himself, his agents and workmen enter into or upon any lands and perform such works thereupon as may be required.

Power to Lieutenant-Governor to modify scheme.

23. The Lieutenant-Governor may at any time after the said works have been commenced by an order sanction any alteration or modification of such scheme or plan suggested to him by the officer in charge of such works, if after communication with the Commissioners it shall appear to him that by such alteration or modification the general character and scope of the scheme will not be altered, nor greater expenditure incurred thereon, than would be incurred in the scheme as originally sanctioned; and after such sanction, such alteration or modification shall be taken to be a portion of the scheme adopted by the Commissioners in substitution for the portion of such scheme thereby altered, and every such alteration or modification shall be published by the Commissioners as to them shall seem fit.

Claims to compensation for damage caused in carrying out scheme or works.

24. (1.) Any person who alleges that damage has been caused to his property by any scheme or works commenced or carried out under this Act may, at any time before the expiry of the three years mentioned in clause (1) of section 28, prefer to the Commissioners a claim for compensation in respect of such damage actually caused, and of all future damage likely to be caused to such property by such scheme or works.

Compensation

The Commissioners shall duly consider any such claim; and if they are

satisfied that such damage has been caused or is likely to be caused, they shall assess such compensation as to them appears fair and reasonable.

to be assessed by the Commissioners.

If such person agrees to accept the amount so assessed, the same shall be paid to him:

Reference to Civil Court if amount assessed be not accepted.

if he do not agree to accept such amount, the Commissioners shall make a reference to the Civil Court in the manner in which a Collector is empowered to make a reference by section 15 of "The Land Acquisition Act, 1870," and the provisions of Part III of the said Act shall apply to any reference so made.

Reference to Civil Court where amount of compensation agreed to or settled by Court, but dispute as to its apportionment.

(2.) When the persons interested in such property, to which damage has been caused as aforesaid, agree to accept the amount of compensation assessed by the Commissioners, but a dispute arises as to the apportionment of the same or any part thereof, or when the amount of compensation has been settled by the Court on a reference under clause (1) of this section, and a similar dispute arises, the Commissioners shall refer such dispute to the decision of the Civil Court, and the provisions of Part IV of the said Land Acquisition Act shall apply to any reference so made.

Reference may in certain cases be transferred to Subordinate Judge or Munsif for disposal.

(3.) When the amount of compensation assessed by the Commissioners does not exceed one thousand rupees, any reference made under the said clause (1) may be transferred by the Principal Civil Court of original jurisdiction of the district to any Subordinate Judge in the same district, and such Subordinate Judge shall have power to hear and dispose of the same; and any reference made under clause (2) of this section may be transferred by such Principal Civil Court to any Munsif in the same district, and such Munsif shall have power to hear and dispose of the same.

PART III.

Expenditure and Apportionment.

Cost of compensation, &c., to be deemed part of expense of construction. Such expense may be defrayed by advances from the public funds.

25. All amounts paid as compensation for any lands taken for the purposes of this Act, or for damage inflicted in carrying out any scheme or works under this Act, or as salaries of officers, servants or establishments, or for surveys or valuations (whether antecedent or subsequent to the preparation of the scheme and plans), and all amounts otherwise duly expended in carrying out the purposes of this Act, shall be included in, and deemed to constitute the cost of, construction of the works, and may be defrayed by advances from the public funds as provided by section 22.

Interest to be paid on such advances. Such interest after comple-

26. (1.) All such advances shall bear interest at the rate of five per centum per annum until recovered in the manner hereafter in this Act provided. All such interest, which falls due before the completion of the works is certified

tion of the works to be payable half-yearly to Collector by the holders of the lands affected.

to the Commissioners as hereafter provided, shall, upon such completion being so certified, be added to the total amount of the principal sums advanced; and interest at the rate of five per centum per annum upon the total of such interest and principal shall thereafter be payable to the Collector half-yearly by the holders of the lands affected by the works.

Commissioners to distribute liability to pay interest amongst landholders and certify same to the Collector.

(2.) It shall be the duty of the Commissioners to distribute the liability to pay such half-yearly interest amongst such landholders, as soon as the completion of the works has been certified to them, and to report the details of such distribution to the Collector.

How the liability to pay interest is to be distributed.

(3.) In order to the distribution of such liability, the Commissioners shall have regard to the plans and estimates of the scheme and to such other information as may be supplied to them by the officer in charge of such works, and shall distribute the liability in a general way, so that the share of the interest payable by the holders of each estate, tenure or undertenure from whom any sum is made payable shall be in proportion to the benefit to be derived by the lands of such holders, so far as the Commissioners can judge of such proportions.

Notice of amount of interest payable half-yearly to be served on each landholder. Amount, if not paid, recoverable as a public demand.

(4.) Notices shall be served upon such holders setting forth the half-yearly amount of interest payable by them and the date upon which it is payable. Where two or more persons are joint holders of an estate, tenure or undertenure, service of notice under this clause on any one such person shall be deemed to be good and sufficient service on each and all of such persons. If such half-yearly amount be not paid upon such date, the Collector may proceed for its recovery according to the law for the time being in force for the recovery of public demands.

Reports to be made and expenditure certified.

27. The officer in charge of the said works shall, until the same shall be finally completed, once in every three months make a detailed report to the Commissioners of the progress of such works and the expenditure thereupon from the day up to which the next preceding report shall have been brought down; and the Examiner of Public Works Accounts to the Government of Bengal, or some other officer authorized in that behalf by the Lieutenant-Governor, shall from time to time certify the sums advanced in accordance with the provisions of section 25, and the dates of such advances, and every such certificate shall be final and conclusive evidence in a Civil Court, or in any proceedings under this Act, of the sums therein stated to have been advanced having been so advanced, and of the dates upon which they were respectively so advanced.

Commission-

28. (1.) The officer in charge of the works shall, as soon as they have

been completed, certify such completion to the Commissioners; and the Commissioners shall, upon the expiry of three years from such completion being so certified to them, proceed to classify all the lands benefited by the works according to the degree of benefit conferred; and in such classification they shall distinguish the improved lands from the reclaimed lands:

ers upon expiry of three years from completion report to classify lands benefited by the works, distinguishing between improved lands and reclaimed lands.

It shall be lawful for the Commissioners at any time during such three years to make such inspections of the lands and such surveys thereof, and otherwise to collect such information, as shall in their opinion conduce to the making of such classification, and of the apportionment hereinafter mentioned.

(2.) The Commissioners shall, after making such classification, proceed further to apportion the total cost of construction, together with the interest mentioned in section 26, upon the improved lands and reclaimed lands, and shall draw up a statement showing the amount payable to the Collector by each landholder—

Cost of construction with interest to be apportioned upon the improved lands and reclaimed lands.

(*a*) in respect of his improved lands, if any; and

(*b*) in respect of his reclaimed lands, if any.

In making this apportionment the Commissioners shall, as far as may be possible, make payable in respect of each plot or field of improved land a sum not exceeding the amount of the increased capitalized value, which, in the opinion of the Commissioners, has been conferred on such land by the works.

Amount payable for the improved lands not to exceed value of improvement.

29. If upon the completion of the apportionment under section 28 it shall be found that any landholder has, under the provisions of section 26, paid more or less interest than he would have been required to pay according to the proportions adopted in the apportionment under clause (2) of section 28, if such apportionment had then been in force, the Commissioners shall direct such refunds to be made or such additional amounts to be levied as shall be necessary to bring the payments of all the landholders concerned into conformity with such proportions.

Adjustment of excess or deficient payments of interest.

30. Whenever any land, in respect of which any sum is apportioned as payable under the provisions of section 26 or 28, forms part of a tenure, or of a tenure and of an undertenure, it shall be lawful for the Commissioners to declare whether the holders of the estate, of the tenure or of the undertenure, shall be deemed to be the landholders liable to pay to the Collector the sum apportioned as payable in respect of such land.

When the land is part of a tenure, &c., Commissioners may declare who shall be deemed liable as landholders.

31. The total sum so made payable in respect of the improved lands of any one landholder, and the total sum so made payable in respect of the reclaimed lands of any one landholder, with interest upon such sums at five per centum per annum from the date of apportionment, and any interest payable under section 29, and any interest payable under clause (1) of section 26, but not paid or recovered before the apportionment under section 28, shall be a

Amounts made payable to be a charge upon the improved lands and reclaimed lands respectively, Secretary of State

for India in Council to have a perpetual lien for their recovery.

first charge upon such improved lands and upon such reclaimed lands respectively. Such charge shall not be avoided by the sale of such lands or of any estate, tenure or undertenure within which they are included for arrears of revenue or rent.

Commissioners to report apportionment.

32. The Commissioners shall, so soon as conveniently may be, after having apportioned the sums to be payable by the holders of the lands of any village respectively, make and publish a report describing the several lands in respect of which they have declared such sums to be payable, the names of the respective holders thereof who have been made liable to pay the same to the Collector, and the sum payable by each in respect of the same. Every such report shall distinguish between the reclaimed lands and the improved lands, and shall classify the latter according to the extent of the improvement. A copy of such report shall be sent through the Collector to the Commissioner of the Division for confirmation by such Commissioner.

In default of Commissioners, officer appointed by Lieutenant-Governor to make apportionment and report.

33. If the Commissioners shall, for the space of three months after the completion of the entire works has been certified to them as aforesaid, neglect or refuse to proceed with the apportionment of the sums payable as aforesaid, or to make such report as aforesaid, or for the space of two months after any report and apportionment shall have been returned to them for further consideration and revision under the provisions hereinafter contained, neglect or refuse to proceed to such further consideration and revision as is required, the Collector may serve them with a notice requiring them to proceed as aforesaid: and if for one month after service of such notice they neglect so to proceed, the Lieutenant-Governor may appoint such officer or officers as to him shall seem fit to make or consider and revise such apportionment and report, and to do all or any of the subsequent acts which the Commissioners are hereby required or empowered to do in respect of such apportionment and report; and every apportionment and report so made or revised and every such act so done shall have the same force and effect as if the same had been made, revised or done by the Commissioners.

Report to be published.

34. Whenever any apportionment and report have been made in pursuance of the provisions hereinbefore contained, the Commissioners shall cause such report to be published by affixing in every village in which any lands mentioned therein are situate a copy of so much thereof as relates to such lands, and also a like copy at the office of the Collector and of the Sub-divisional Officer, and at every Munsif's Court within whose jurisdiction, and at every police thánâ within the limits of which, such village, or any part thereof, is situate. The fact of such apportionment and report having been made, and such copies having been affixed, shall also be notified by beat of drum in every such village.

35. Any person who may deem himself to be aggrieved by any such apportionment may, within one month after such report has been published, prefer an objection before the Commissioners, and the Commissioners shall be bound to enquire into and decide upon such objection; and any person who is dissatisfied with such decision may within one month from the date of such decision appeal to the Commissioner of the Division against such apportionment; and such Commissioner shall cause notice of the day fixed for the hearing of such appeal to be published by affixing the same in the office of the Collector and of the Sub-divisional Officer and in a conspicuous place in every village, and in the Court of every Munsif within whose jurisdiction, and at every police thána within the limits of which, any of the lands mentioned in such report are situate. Appeal against apportionment.

Such Commissioner shall hear such appeal and the objections thereto of all persons interested, and may confirm such apportionment, or may revise and alter the same as to him shall seem fit, or may return the same to the Commissioners for further consideration and revision;

Provided that the total sum apportioned by every apportionment and report so revised and altered, as payable in respect of all the lands improved or reclaimed by the works, shall not be less than the total cost of the construction of such works within the meaning of section 25.

Every such apportionment and report when revised or altered, shall, so far as the same has been altered, be published, and be liable to appeal in like manner as the original apportionment and report.

The decision of the Commissioner of the Division upon any appeal under this section shall be final.

36. Whenever the Commissioner of the Division shall confirm any apportionment and report, or whenever one month shall have elapsed from the publication of any report without any appeal therefrom having been preferred, he shall pass an order declaring the sums payable in respect of the lands respectively and the persons liable to pay the same to be determined, and shall cause such order to be published in such manner as to him shall seem fit. Final determination of apportionment.

PART IV.

Recovery of Sums due to the Collector.

37. As soon as any apportionment has been determined as aforesaid, the Collector may cause a notice in the form in Schedule (B) hereto annexed to be served upon any landholder who has not paid the sum payable by him. Such notice shall require such landholder within one month from the date of its service upon him to pay such sum with interest at the rate of five per Collector to serve notice of apportionment, requiring payment or engagement to pay.

centum per annum, or to enter into an engagement for the payment by instalments extending over a period of not more than ten years of such sum, together with interest at the said rate on all instalments remaining unpaid at the date of such payment.

If amount not discharged, the Collector may recover it as a public demand.

38. If any landholder fails to discharge the sum made payable in respect of his improved lands or in respect of his reclaimed lands, or fails to enter into an engagement for the payment thereof as in this Act hereafter provided, or having entered into such an engagement fails to discharge any instalment payable thereunder, such sum or such instalment, together with interest thereupon at five per centum per annum, shall be recoverable under the provisions of any law for the time being in force for the recovery of public demands.

Collector may also with sanction of Board of Revenue raise unpaid amount by leasing or mortgaging the improved or reclaimed lands.

39. If the Collector thinks it inexpedient to proceed under the provisions of section 38, or having so proceeded shall have failed to realize the sum due, he may, with the sanction of the Board of Revenue, raise the amount necessary to discharge the sum or instalment remaining unpaid—

(*a*) by letting in perpetuity or for a term, on payment of a premium equivalent to such amount, the whole or any part of such improved lands or reclaimed lands ;

(*b*) by mortgaging the whole or any part of such improved lands or reclaimed lands ;

(*c*) by letting in farm or managing by himself or another the whole or any part of such improved lands or reclaimed lands ; or

(*d*) partly by one of such modes and partly by another or others of them.

For the purposes of this section, the Collector may exercise all the powers of the owner of such improved or reclaimed lands : and his signature shall be a good and sufficient signature to any document necessary to carry into effect the said purposes.

Recovery of unrealized portion of charge.

40. In case the Collector certifies that any sum payable as hereinbefore provided cannot be realized as provided by section 38 or 39, so much of such sum as shall not have been so realized shall be a charge upon any profits that may accrue from the property vested in the Collector under the provisions of section 47.

Power to repay advances.

41. Any landholder who has entered into an engagement for the repayment of any sum apportioned as aforesaid may at any time repay to the Collector the entire amount of the principal sum which shall be then remaining due, and interest thereupon up to the day of payment, and thenceforth the said engagement shall be terminated and all liabilities in respect thereof for principal or interest shall determine.

PART V.

Recovery by Landholders or Superior Tenants of the Cost of the Works from Persons holding Land under them.

Proprietor may recover from subordinate tenants.

42. Every landholder who has been charged with any sum by a report published as aforesaid may, after he has paid or engaged to pay the same,—

(*a*) proceed under any law for the time being in force to enhance the rents of any person holding immediately from him any land the productive powers of which have been increased by any works carried out under this Act, provided that any such person may at his option elect to pay under clause (*b*) of this section : or

(*b*) recover such sum or any part thereof, according to the proportions hereinafter provided, with interest at the rate of five per centum per annum from the date of payment by him of any portion thereof, from the persons holding immediately from him lands in respect of which such sum has been declared payable, and which have been benefited by any scheme or works carried out under this Act.

(*c*) The sum recoverable by such landholder from each such person under clause (*b*) in respect of the lands of each class shall bear the same proportion to the sum charged upon such landholder in respect of all lands of that class as the area of the lands of that class which are held by such person bears to the area of the lands of the same class in respect of which the landholder has been charged. No person from whom a landholder is authorized to recover any sum under this section shall be liable to pay in any one year more than one-tenth part of the total sum so recoverable from him, and no person shall be liable to pay in one year more than the increased annual value of the lands in respect of which the payment is made.

Recovery by superior tenant.

43. Any superior tenant, who has made any payment to a landholder under the provisions of clause (*b*) of section 42, may —

(*a*) proceed under any law for the time being in force to enhance the rents of any person holding directly from him lands the productive powers of which have been increased by any works carried out under this Act, provided that any such person may at his option elect to pay under clause (*b*) of this section : or

(*b*) recover the sum or part of the sum which has been so paid by him according to the proportions and subject to the rules laid down in clause (*c*) of section 42, with interest at the rate of five per centum per annum from the date of payment by him of any portion thereof, from the persons holding directly from him lands in respect of which the payment has been made, and which have been benefited by any scheme or works carried out under this Act.

Mode and

44. (1.) The sum payable to a landholder or superior tenant in any one

time of payment.

year under clause (*b*) of section 42 or under clause (*b*) of section 43 shall be payable by equal instalments upon the days appointed for the payment to such landholder or superior tenant of the rent of the lands concerned, and shall be recoverable as if the same were an arrear of rent.

Provision in case of dispute as to the amount to be paid.

(2.) If such landholder or superior tenant and any person holding lands directly from him cannot agree as to the amount which such person shall pay, such landholder or superior tenant may serve such person through the Collector with a notice setting forth the amount which he claims, and requiring such person, within one month after the service of such notice, to pay the amount claimed or enter into an engagement for the payment thereof by instalments extending over a period of not more than ten years, or appear before the Collector and object.

Collector to decide objection.

(3.) If such person do not within the said period of one month appear and object, the amount set forth in such notice shall be recoverable with interest at five per centum per annum. If such person appear and object, the Collector shall dispose of such objection, and his decision shall be final. The Collector may direct that any sum of money payable under his decision, together with any cost awarded by him, be paid by instalments extending over a period of not more than ten years. The provisions of clause (1) of this section shall apply to every sum payable according to an order of the Collector passed under this section.

Proviso.

45. No person from whom any sum has been recovered under clause (*b*) of section 42 or under clause (*b*) of section 43 shall be subject to any claim for enhanced rent on account of the benefit caused by the works to his lands.

PART VI.

MISCELLANEOUS.

Drainage works to be subject to the laws relating to embankments.

46. All outlets and water-channels, natural or artificial, which shall be altered, enlarged, excavated or cut under the provisions of this Act, and the construction and maintenance of embankments and of dams and works therein or connected therewith, shall, save as hereinafter provided, be subject to the law for the time being in force regulating the construction and maintenance of public embankments and public rivers, channels and outlets.

Lands and works to be vested in Collector on behalf of Secretary of State.

47. All lands which are taken under the provisions of this Act for the purpose of the construction of works therein or thereon, and all works constructed under the provisions of this Act, as well as all outlets, water-channels, embankments and dams so constructed, altered, enlarged, excavated or cut, shall be vested in the Collector of the district for the time being on behalf of the Secretary of State for India in order to effectuate and maintain the objects

of this Act; and, to assist the Collector in the management of the same, the Lieutenant-Governor may appoint, or authorize the election, by the landholders aforesaid, of a Committee consisting of not less than four or more than six persons, being themselves holders of the lands reclaimed or improved.

Cost of maintenance of works.

48. (1.) The expense of keeping in efficient order and repair any improvements or works effected under this Act shall be charged to the profits from the property vested in the Collector under section 47, and if such profits shall not suffice, the balance shall be paid to the Collector in the proportions of the original contributions by the holders for the time being of the lands which have been benefited by such works; and all sums payable to the Collector under the provisions of this section shall be recoverable in the manner provided by section 38, or in the manner provided by section 39, and every proprietor or other person who has paid any such sum may recover the same, or any part of the same, in the proportion and subject to the rules laid down in section 42 or 43, as the case may be.

Recovery of items omitted from apportionment.

(2.) Any such amount as is specified in section 25 which from oversight or other cause has been omitted from the apportionment and report made under section 32 or section 33 may be charged and recovered under the provisions of clause (1) of this section.

Surplus profits from property vested in Collector under section 47 to be appropriated to payment of debt to Government.

(3.) If on the first day of January next before the last instalments payable under the provisions of section 36 are due, there is, after providing for the expense of keeping in efficient order and repair the improvements and works executed under this Act, a surplus of the profits from the property vested in the Collector under section 47, such surplus or as much thereof as will suffice shall be appropriated to the liquidation of the said last instalments. Any landholder who has paid any such instalment in advance under the provisions of section 41 shall be entitled to a refund in proportion with interest at 5 per cent. per annum.

Cost of maintenance may be capitalized, and the capitalized amount levied.

(4.) The Lieutenant-Governor may at any time, in his discretion, direct that the total average annual expense, which over and above such profits as aforesaid is necessary to keep such improvements and works in efficient order and repair, be estimated, and that there be levied from such landholders, in lieu of all future contributions to the maintenance of such improvements and works, such amount as being invested in Government securities at the current rate of interest shall yield a sum equal to such average annual expense. The provisions of sections 31, 38 and 39 shall apply to such capitalized amount.

Powers for taking evidence.

49. The Commissioners, the Commissioner of the Division and every officer appointed by the Lieutenant-Governor under section 33 shall have the powers conferred on Civil Courts by the Code of Civil Procedure for compelling the attendance of witnesses and the production of evidence and for examining witnesses in any enquiry or appeal which they or he may be empowered to make or entertain under the provisions of this Act.

Rent-free lands may be deemed subordinate tenures.

50. Any land held free of rent or revenue, being less than one hundred standard bighás in extent, and not being a property entered on the Collector's general register of revenue-free lands, may for the purposes of this Act be deemed to form a tenure or undertenure held immediately from some landholder, and the Commissioners shall determine who shall be deemed to be the landholder in respect of such tenure; provided that any holder of such land, who may deposit the cost of survey of his land at a rate to be approved by the Commissioners and calculated on the area claimed by him, shall be entitled to be deemed a landholder in respect of such lands within the meaning of this Act.

Sum payable by holder of rent-free land to be payable in two instalments.

51. Wherever any land as mentioned in the last preceding section shall be deemed to form a tenure or undertenure held immediately from a landholder as therein provided, every sum payable to the landholder in respect of such land in any one year shall be payable in two equal instalments on such dates as the Commissioner of the Division may fix. Such Commissioner shall cause due notice to be given in the villages concerned of the dates so fixed by him.

Service of notices.

52. All notices under this Act required to be served may be served by delivering the same to the person to be served, or by posting the same upon the door of his dwelling-house, or if such person cannot be found and his dwelling-house is not known, then by posting the same on some conspicuous part of the land to which such notice relates, and copies thereof at the Munsif's Court within whose jurisdiction, and the police thánâ within the limits of which, such land is situate.

Proceedings not to be invalidated by formal errors.

53. No proceeding under this Act shall be defeated or invalidated by reason of any defect in the number or property of assenting landholders, nor by any defect or omission in the publication or service of any notification, notice or order, unless material injury is done to any person by such defect or omission; and every order and report of the Commissioners, of the Collector, and of any officer appointed by the Lieutenant-Governor under section 33, shall be conclusive evidence that all notifications and notices hereby required as preliminary thereto had been duly published and served, and that all other preliminaries thereunto had been duly performed, and, save as is hereinbefore provided, shall be final and conclusive.

Portion of scheme may be deemed a separate scheme.

54. The Lieutenant-Governor may by an order in writing direct that any portion of a scheme adopted and ordered to be executed under this Act shall, for the purposes of this Act or for any such purposes, be deemed to be a separate scheme.

Lieutenant-Governor may empower

55. The Lieutenant-Governor may specially empower any person to do all or any acts, to discharge all or any functions, and to exercise all

or any powers which may be done, discharged or exercised by a Collector under this Act, and on any person being so specially empowered, such person may do all or any of such acts, discharge all or any of such functions, and exercise all or any of such powers, and such person shall be deemed to be the Collector for the purposes of the scheme in respect of which he is so specially empowered.

other person to act for Collector

56. The Collector may, with the sanction of the Commissioner of the Division, delegate to any Deputy, Assitant or Sub-Deputy Collector, or to any similar officer, the performance of any acts and the discharge of any functions which the said Collector may perform or discharge under this Act;

Collector may delegate authority

and upon such delegation such Deputy Collector or other officer may do any such acts and discharge any such functions;

and may exercise any powers for the performance of the same, which the Collector may exercise under this Act;

Provided that all acts done, functions discharged and powers exercised by such officer shall be done, discharged or exercised subject to the control and supervision of the Collector.

57. Notwithstanding anything hereinbefore contained, all the proceedings of the Commissioners and of the Collector under this Act shall be subject to the general control and supervision of the Commissioner of the Division.

Control of Commissioner

58. The Lieutenant-Governor may from time to time make rules to regulate the following matters:—

Power to make, alter and cancel rules.

(*a*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*b*) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act shall be done;

(*c*) and generally to carry out the provisions in this Act.

The Lieutenant-Governor may from time to time alter or cancel any rules so made.

Such rules, alterations and cancelment shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

Publication of rules.

PART VII.

Special Provisions for Works carried out under Bengal Act V of 1871.

59. The following portions of this Act shall apply to any scheme or works carried out under the provisions of Bengal Act V of 1871, that is to say:—

Portions of this Act applicable to works carried out under Bengal Act V of 1871.

(*a*) as to the method of realizing sums due on account of the cost of the works, sections 31, 38, 39 and 40,

(*b*) as to the recovery by landholders or superior tenants of the cost of the works, from persons holding land under them, Part V :

(*c*) as to other matters, Part VI.

Revision of apportionment of cost of scheme or works carried out under Bengal Act V of 1871.

60. If the Lieutenant-Governor is satisfied that the apportionment of the cost of any scheme or works carried out under the provisions of Bengal Act V of 1871 is inequitable for reasons discovered by the operation of the completed scheme, or on grounds not originally considered by the Commissioners, the Lieutenant-Governor may, at any time within one year after the commencement of this Act, direct a revision of the said apportionment, and may for the purpose of such revision appoint Commissioners. The provisions of Part I shall be applicable to the appointment of, and to the conduct of business by, such Commissioners.

Commissioners to be guided in making such revision by certain provisions of this Act.

61. Such Commissioners shall proceed without delay to revise such apportionment, and in making such revision they shall be guided by the provisions of sections 28, 32 and 34, so far as the same may be applicable, and shall have regard to the degree of benefit which, upon taking proceedings under this section, they may find to have been conferred on the lands: provided that the total sum apportioned upon such revision as payable in respect of all the lands improved or reclaimed by the works shall not be less than the total cost of the construction of such works within the meaning of section 25.

Commissioners may increase or reduce apportionment. Appeal

62. For the purpose of making such revised apportionment, such Commissioners shall have full power to increase or reduce the apportionment which was previously made upon individuals, and to direct such refunds to be made to, or additional payments to be levied from, individuals, as may be necessary to give full and complete effect to such revision. Any person dissatisfied with any order passed by such Commissioners under this section may appeal to the Commissioner of the Division, and the provisions of section 35 shall be applicable to any such appeal.

Finality of revised apportionment Realization of sums due thereunder

63. The provisions of section 36, as to an apportionment becoming final, shall be applicable to such revised apportionment; and the provisions of sections 31, 38, 39 and 40 shall be applicable to the realization of any sums which may become payable under the same.

SCHEDULE A—*(referred to in section 12).*

BENGAL DRAINAGE ACT, 1880.

To all whom it may concern.

TAKE notice that it is proposed to drain and improve certain lands in the village of pargana Plans and provisional esti-

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mates of the works proposed are now lodged in

and may be inspected by any person interested on any of the days and at any of the times specified below till the day of next. *(Here specify the days and hours at which the plans and the estimates will be open to inspection.)*

All proprietors of estates paying revenue direct to Government of which any lands may be affected by the proposed drainage and improvement,

all owners of revenue-free lands borne on the Collector's general register of revenue-free lands, which may be so affected, all persons having permanent rent-paying interests in tenures, undertenures or lands extending to not less than one hundred standard bíghás to be so affected,

and all persons having permanent rent-free interest in tenures, undertenures and lands to be so affected,

are hereby called upon to inspect the said plans and estimates.

Those who wish the works to be carried out and are willing to bear their proportion of the cost thereof are requested to send to the Drainage Commissioners their assent in writing, signifying therein, so far as possible, the nature and extent of their interest in such land, on or before the day of 18 . Those who have any objection to the execution of the said works are required to send in their objection in writing to the said Commissioners on or before the said day.

All persons who are hereby called upon to give their assent or express their objections in writing are warned that under the law the Commissioners are not bound to recognize any such assent or objection unless the person making the same specifies the extent and portion of the land which he holds, and the tenure or interest which he has in the same.

Collector, for the Drainage Commissioners.

SCHEDULE B—*(referred to in section 37).*

BENGAL DRAINAGE ACT, 1880.

To

TAKE notice that the Drainage Commissioners have apportioned against you the sum of as your contribution in respect of the lands of , and that you are hereby required, within one month from the date of the service of this notice, to pay to me the said sum of Rs. , together with interest at the rate of five per centum per annum from the day of , or to enter into an engagement for the payment of the same by instalments extending over a period of not more than ten years.

Collector.

THE PUBLIC DEMANDS RECOVERY ACT, 1880.

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   Commencement.
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4. Definitions.
5. When an estate or tenure has been sold for its own arrears, and the sale proceeds are insufficient to liquidate the same : or
   when arrears of revenue due from a farmer are not paid on latest date of payment,
   the Collector of the district may make a certificate of the unpaid arrears.
6. Such certificate shall have the force and effect of a decree of a Civil Court as regards the remedies for enforcing it.
   Judgment-debtor may bring a suit in the Civil Court to contest his liability, if he has deposited the amount of the certificate.
   If no such suit brought within one year, or if brought and decided against judgment-debtor, the certificate to become absolute and have effect of a decree of the Civil Court to all intents and purposes.
7. When any arrear of a public demand is unpaid by the person liable to pay the same,
   the Collector of the district may make a certificate of the unpaid demand.
8. Such certificate shall have the same effect as a decree of a Civil Court, as regards the remedies for enforcing the same.
   Judgment-debtor may bring a suit in the Civil Court to contest the certificate. If no such suit within one year, or if brought and decided against the judgment-debtor, certificate to become absolute.
9. In case of arrears of public demand payable to officer other than Collector, such officer may give notice to Collector.
   Such notice given by a manager to be verified and stamped as a plaint.
   Collector may on receipt of such notice make a certificate.
10. When certificate filed, notice to be given to judgment-debtor. Upon service of notice, certificate to bind immoveable property of judgment-debtor.
    Copy of certificate may be sent to Collector of another district to be filed in his office ; and, upon its being filed, certificate shall bind immoveable property situate in such district.
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12. Any person served with notice under section 10 may file a petition of objection.
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    Sum levied by Collector to whom copy of certificate sent to be transmitted to Collector who made certificate.
23. Collector, Deputy Collector, Assistant Commissioner, Extra Assistant Commissioner and public officer to be deemed to be acting judicially in the discharge of his duties under this Act.
24. Collectors, &c., to be subject to the supervision and control of Commissioners and Board in discharge of their duties under this Act.

FIRST SCHEDULE—Repeals.

SECOND SCHEDULE—Forms.

ACT No. VII OF 1880.

Received the Lieutenant-Governor's assent on the 22nd of April, 1880, and the Governor General's assent on the 26th of June, 1880.

An Act to amend the law for the recovery of certain Public Demands.

WHEREAS it is expedient to amend the law for the recovery of certain dues and debts demandable by public officers: It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Public Demands Recovery Act, 1880." Short title.

Notwithstanding anything contained in section 2, it extends to all the Extent.

territories for the time being administered by the Lieutenant-Governor of Bengal.

Commencement.

It shall come into operation on and after the date on which it shall be published in the *Calcutta Gazette* with the assent of the Governor General.

Construction of this Act.

2. This Act, so far as is consistent with the tenor thereof, shall be construed as one with Act XI of 1859, passed by the Governor General in Council, and Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council. The powers given by this Act shall be deemed to be in addition to, and not in derogation of, any powers conferred by any Act now being in force for the recovery of any due, debt or demand to which the provisions of this Act are applicable.

Repeal of Acts in schedule.

3. The Acts specified in the first schedule annexed to this Act are hereby repealed from and after the commencement of this Act, to the extent specified in the third column of that schedule: provided that this repeal shall not affect—

(*a*) the past operation of any enactment hereby repealed, nor anything duly done or suffered thereunder:

(*b*) any liability created under any enactment hereby repealed.

Certificate under Bengal Act VII of 1868 to be enforced under this Act.

Every certificate made under the provisions hereby repealed of Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, may be enforced under the provisions of this Act.

Definitions.

4. In this Act, unless the context otherwise requires, but not in the other Acts mentioned in section 2,—

"Section."

"Section" means a section of this Act.

"Collector."

"Collector" means (*a*) within the local limits of the ordinary original jurisdiction of the High Court of Judicature at Fort William in Bengal, the Collector of Calcutta; (*b*) without those limits, the Collector of a district or any officer specially appointed by the Lieutenant-Governor to perform the functions of a Collector under this Act; and (*c*) any officer in charge of a subdivision of a district whom the Collector of such district, with the sanction of the Commissioner, authorizes to perform such functions as aforesaid.

When an estate or tenure has been sold for its own arrears; and the sale-proceeds are insufficient to liquidate the same, or

5. In the following cases, that is to say:—

(1) when, under the provisions of Act XI of 1859, passed by the Governor General in Council, or of Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, an estate or tenure has been sold for the recovery of arrears of revenue due thereupon, and, after deducting the expenses of such sale, the balance of the sale-proceeds remaining is insufficient to liquidate the arrears of revenue in discharge of which such sale-proceeds may under the aforesaid provisions be applied;

(2) when arrears of revenue due from a farmer on account of an estate held by him in farm are not paid on the latest day of payment fixed under the provisions of section 3 of Act XI of 1859, passed by the Governor General in Council;

the Collector may make under his hand, and in form No. 1 in the second schedule annexed to this Act, a certificate of the amount of arrears so remaining unpaid, and may cause the same to be filed in his office.

when arrears of revenue due from a farmer are not paid on latest date of payment; the Collector of the district may make a certificate of the unpaid arrears.

6. (*a*.) Subject to the provisions of this Act, every certificate made under the provisions of section 5 shall, as regards the remedies for enforcing the same and so far only, have the force and effect of a decree of a Civil Court, and the Secretary of State for India in Council shall be deemed to be the decree-holder, and the person therein named as debtor shall be deemed to be the judgment-debtor.

Such certificate shall have the force and effect of a decree of a Civil Court as regards the remedies for enforcing it.

(*b*.) Such judgment-debtor may, at any time within one year after the service upon him of such notice as is mentioned in section 10, bring a suit in the Civil Court to have the said certificate cancelled on the ground that the arrears stated therein were not due by him; but no such suit shall be entertained unless such judgment-debtor has paid such arrears to the Collector within one month after being served with the said notice, or, in any case in which he has filed a petition of objection under section 12, then within fifteen days after such petition has been heard and determined.

Judgment-debtor may bring a suit in the Civil Court to contest his liability, if he has deposited the amount of the certificate.

(*c*.) If no such suit is instituted within the said period of one year, or if any such suit, having been so instituted, is decided against such judgment-debtor, such certificate shall become absolute, and shall have to all intents and purposes the effect of a final decree of a Civil Court.

If no such suit brought within one year, or if brought and decided against judgment-debtor, the certificate to become absolute, and have effect of a decree of the Civil Court to all intents and purposes.

7. When any arrears of the following public demands are unpaid by the person liable to pay the same, that is to say:—

When any arrear of a public demand is unpaid by the person liable to pay the same,

(1) any sum of money which by any law for the time being in force is declared to be recoverable or realizable as an arrear of revenue or land-revenue, or by the process prescribed for the recovery of arrears of revenue or of the public or Government revenue:

(2) any sum of money due from the sureties of a farmer in respect of the revenue of the estate farmed by him:

(3) any such demand, money, fee, duty, arrear, fine or costs as is mentioned in the following sections of the following Acts passed by the Lieutenant Governor of Bengal in Council, that is to say:—in Act VIII of 1862, section 9; in Act VI of 1873, section 50; in Act IV of 1875, section 1; in Act V of 1875, section 57; in Act III of 1876, section 42, section 73 and section 85; in Act VII of 1876, section 82; in Act VIII of 1876, section 138; in Act VII of 1878, section 36: or in the following sections and portions of the following Act passed by the Governor General in Council, that is to say:—in Act VII of 1870, "The Court Fees Act," sections 19G, 19H and the note to paragraph 12 of Schedule I:

(4) in the case of a person to whom the collection of tolls has been farmed under the provisions of section 8 of "The Canals Act, 1864," or of the sureties of such person—any sum of money due in respect of such farm:

(5) in the case of a person having charge of a ferry subjected to the payment of a yearly rent—any arrear of such rent ascertained and certified as provided in Regulation VI of 1819, section 10:

(6) any arrears of revenue or rent payable to the Secretary of State for India in Council from any raiyat, or from any person holding any interest in land, pasturage, forest-rights, fisheries and the like, whether such interest is or is not transferable:

(7) in the case of property which, under the provisions of any law for the time being in force, has been taken under the charge of, or is managed by, the Court of Wards or the Revenue-authorities on behalf of a private individual—any arrears of rent or of other demands recoverable as rent, whether such arrears became due before or after the management devolved upon such Court or such authorities: provided that this clause shall not apply to any arrears of rent at an enhanced rate, unless such enhanced rate has been agreed to by the person liable to pay the same, or has been confirmed by a competent Court:

(8) any sum payable to a public officer of Government in respect of which the person liable to pay the same has agreed by a written instrument duly registered that it shall be recoverable under the provisions of this Act:

(9) any fee, duty, tax or other demand which by any Act passed hereafter shall be declared to be recoverable under the provisions of this Act;

the Collector of the district may make a

the Collector of the district may make under his hand, and in form No. 2 in the second schedule annexed to this Act, a certificate of the amount of such

arrears so remaining unpaid, and may cause the same to be filed in his office: provided that no such certificate shall be made in respect of any such demand, the recovery of which is barred by any law of limitation for the time being in force.

certificate of the unpaid demand.

8. (*a.*) Subject to the provisions of this Act, every certificate made under the provisions of section 7 shall, as regards the remedies for enforcing the same, and so far only, have the force and effect of a decree of a Civil Court. In the cases other than case (7) mentioned in the said section 7, the Secretary of State for India in Council and in the said case (7) the private individual therein mentioned, or, if such private individual be a minor, lunatic or ward of Court, then such minor, lunatic or ward of Court by his next friend, shall be deemed to be the decree-holder, and in all the cases mentioned the person therein named as debtor shall be deemed to be the judgment-debtor.

Such certificate shall have the same effect as a decree of a Civil Court, as regards the remedies for enforcing the same.

(*b.*) Such judgment-debtor may at any time within one year after the service upon him of such notice as is mentioned in section 10 bring a suit in the Civil Court to contest his liability to pay the amount stated in the said certificate, and to have such certificate cancelled: but no such suit shall be entertained unless such judgment-debtor has stated in a petition presented to the Collector under section 12 the ground upon which he claims to have such certificate cancelled, or unless, having omitted to state such ground in such petition as aforesaid, he can satisfy the Civil Court that there was good reason for such omission. If no such suit is instituted within the said period of one year, or if any such suit having been instituted is decided against such judgment-debtor, such certifitate shall become absolute, and shall have to all intents and purposes the same force and effect as a final decree of a Civil Court.

Judgment-debtor may bring a suit in the Civil Court to contest the certificate. If no such suit within one year, or if brought and decided against the judgment-debtor, certificate to become absolute.

Provided that no certificate duly made under the provisions of this Act shall be cancelled by a Civil Court otherwise than on one or more of the following grounds, that is to say:—

(1) that the amount stated in the certificate was actually paid or discharged before the making of such certificate:

(2) in the case of fines imposed, or costs, charges, expenses, damages, duties or fees adjudged, by a Collector or a public officer under the provisions of any Regulation or Act for the time being in force—that the proceedings of such Collector or public officer were not in substantial conformity with the provisions of such Regulation or Act, and that in consequence the judgment-debtor under the certificate suffered substantial injury from some error, defect or irregularity in such proceedings:

(3) in cases other than those mentioned in clause (2)—that the amount stated in the certificate was not due by the judgment-debtor under the certificate:

(4) want of jurisdiction.

Nothing in this proviso shall be construed to interfere with the ordinary original jurisdiction of the High Court at Fort William in Bengal, or with the jurisdiction of the Calcutta Court of Small Causes.

In case of arrears of public demand payable to officer other than Collector, such officer may give notice to Collector.

9. (*a*.) When any arrear of any of the public demands specified in section 7 is unpaid by any person liable to pay such public demand to a public officer other than a Collector, or when any such demand as is specified in clause (7) of the said section is unpaid by any person liable to pay the same to a manager appointed by the Court of Wards, such officer or such manager may give to the Collector of the district, in which such person resides, or in which such demand is payable, a notice in writing in form No. 3 in the second schedule annexed to this Act: provided that no such notice may be given in respect of any such demand the recovery of which is barred by any law of limitation for the time being in force.

Such notice given by a manager to be verified and stamped as a plaint.

(*b*.) Every such notice given by a manager shall be verified by such manager in accordance with the provisions of the Code of Civil Procedure as to the verification of plaints, and there shall be payable in respect thereof a court-fee of the same amount as is payable under the Court-fees Act for the time being in force in respect of a plaint for the recovery of a sum of money equal to that stated in such notice.

Collector may on receipt of such notice make a certificate.

(*c*.) On receipt of such notice, such Collector, if satisfied that such demand is justly recoverable, may make under his hand, and in the form No. 2 in the second schedule annexed to this Act, a certificate of the amount of such arrears so remaining unpaid, and shall cause the same to be filed in his office.

(*d*.) The provisions of section 8 shall apply to every such certificate.

When certificate filed notice to be given to judgment-debtor. Upon service of notice, certificate to bind immoveable property of judgment-debtor. Copy of certificate may be sent to Collector of another district to be

10. When a certificate has been filed in the office of a Collector under the provisions of section 5, or section 7 or section 9, such Collector shall issue to the judgment-debtor a copy of such certificate and a notice in form No. 4 in the second schedule annexed to this Act. From and after the service of such notice, such certificate shall bind all immoveable property of such judgment-debtor situate within the jurisdiction of such Collector in the same manner and with like effect as if such immoveable property had been attached under the provisions of section 274 of the Code of Civil Procedure. A copy of such certificate may be transmitted by post to any other Collector for the purpose of being filed in his office, and, as soon as it is so filed, such certificate shall, if the aforesaid notice has been served, bind in like manner all immove-

able property of such judgment-debtor situate within the jurisdiction of such last-mentioned Collector.

filed in his office; and, upon its being filed, certificate shall bind immoveable property situate in such district.

11. If in any case other than the case mentioned in clause (7) of section 7 the Collector is satisfied that any person against whom a certificate has been filed under the provisions of section 5, or section 7 or section 9, is likely to conceal, or remove or dispose of the whole or any part of his moveable property, and that the realization of the amount of such certificate will in consequence be delayed or obstructed, he may at any time after making such certificate direct an attachment of the whole or any part of the moveable property of such person. Such attachment shall be made in the manner provided in the Code of Civil Procedure for attaching moveable property, and subject to the provisions of section 266 of the same Code. Such property may be sold for the purpose of satisfying such certificate, if no petition of objection is filed under section 12, or if any such petition is filed, then as soon as it has been heard and determined.

Moveable property of person, against whom certificate has been made, may be attached at any time, if Collector satisfied that such person is likely to conceal, remove or dispose of such property.

12. If any person, who has been served with a notice under section 10, denies his liability to pay the whole or any part of the amount for which such certificate has been made and filed against him, he may at any time within thirty days after service of such notice or, where no such notice has been duly served, within thirty days after the execution of any process for enforcing such certificate, file a petition, denying his liability as aforesaid, before the Collector by whom such certificate has been made. Such petition shall be in, or as nearly as possible in, the form No. 5 in the second Schedule annexed to this Act.

Any person served with notice under section 10 may file a petition of objection.

13. Such Collector shall fix a day for hearing any such petition so filed, and upon such day, or any subsequent day to which such hearing may be adjourned, shall determine whether such petitioner is liable for the whole or any part of the amount for which such certificate was made, and may set aside or modify or vary the certificate accordingly. Every such Collector shall, for the purpose of hearing any such petition and determining as aforesaid, exercise all or any of the powers of a Civil Court in respect of summoning, causing the attendance of, and examining witnesses, and in respect of causing the production of documents; and the provisions of the Code of Civil Procedure applicable to these matters shall apply to a Collector exercising these powers.

Day to be fixed for hearing such petition. Collector to determine the liability of the petitioner. Certain provisions of the Code of Civil Procedure to apply to the inquiry.

14. The Collector shall have full power to direct that the costs of such petition and of the hearing thereof shall be paid by the petitioner, and in any case in which a Collector directs the payment of such costs by any such peti-

Collector may direct costs of such petition to be paid by the petitioner.

Such costs how realized.

tioner, the amount thereof shall, if such petitioner be the judgment-debtor, be added to the amount entered in the certificate, and shall be recoverable as if the same had been originally entered therein.

Collector may refer petition for hearing to Deputy Collector, Assistant Commissioner, &c., who shall have the same powers to hear it as the Collector.

15. The Collector of a district may refer to any Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner subordinate to him, any such petition as is mentioned in section 12, and such Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner shall hear and determine such petition accordingly. The provisions of sections 13 and 14 shall be applicable to any such Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner to whom any such petition has been so referred.

Appeal from Deputy Collector, Assistant Commissioner, &c., to Collector, and from Collector to Commissioner. Stay of execution.

16. An appeal from any order of a Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner may be preferred to the Collector within fifteen days, and an appeal from any original order of a Collector may be preferred to the Commissioner within thirty days after the making of such order respectively. Pending the decision of such appeal, execution may be stayed, if the appellate authority so direct, but not otherwise.

Power of revision.

17. There shall no appeal, as of right, lie from any order of a Collector passed on appeal from an order of a Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner; but the Commissioner may in any case in which he thinks fit, revise any order passed by a Collector or Deputy Collector or Assistant Commissioner or Extra Assistant Commissioner.

Certificate may be enforced after one month from notice, or when petition of objection disposed of.

18. Every certificate made under the provisions of section 5, or section 7, or section 9, may be enforced and executed, upon the expiry of one month after service of the notice mentioned in section 10, or when any such petition as is mentioned in section 12 has been filed, then as soon as such petition has been heard and determined.

Certificate may be enforced under the provisions of the Code of Civil Procedure as a decree for money.

19. Such certificate may be so enforced and executed by all or any of the ways and means mentioned and provided in and by the Code of Civil Procedure for the enforcement and execution of decrees for money, and all the practice and procedure provided by the said Code of Civil Procedure

in respect of sales in execution of decrees; in respect of raising the amount of a decree otherwise than by sale of immovable property under the provisions of sections 305, 320, 322, 323 and 324 of the said Code; in respect of arrests in execution of decrees for money; in respect of the execution of decrees by imprisonment; in respect of insolvent judgment-debtors; in respect of claims to attached property; in respect of resistance to execution; and in respect of the execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued to enforce such certificate and realize the amount recoverable thereunder, save that all the duties, powers and authorities by the said Code imposed or conferred on the Court shall be exercised by the Collector in whose office any such certificate, or any copy thereof transmitted for execution under the provisions of section 223 of the said Code has been filed. Subject to the control of the Collector and save and except in respect of the provisions relating to insolvent judgment-debtors, any of the said duties, powers and authorities may be exercised by any Deputy Collector, Assistant Commissioner or Extra Assistant Commissioner subordinate to such Collector.

Sale of immoveable property may be set aside if certificate is set aside by a competent Court. Proviso.

20. If any immoveable property is sold in execution of a certificate under the provisions of section 18, and if such certificate is subsequently set aside by a competent Court, such Court may set aside such sale of such immoveable property, and in any case in which such sale is so set aside, such Court shall direct that the amount of the purchase-money be refunded to the purchaser with or without interest, as such Court thinks fit: provided that no such sale shall be so set aside unless such purchaser has been made or added as a party to the suit brought to set aside such certificate.

Register of certificates to be kept in Collector's office and to be open to inspection on payment of fee of eight annas.

21. Every Collector shall cause to be kept in his office a register in such form as may from time to time be prescribed by Board of Revenue and shall cause to be entered in such register the particulars of every certificate made under this Act, which, or a copy of which, has been filed in his office. Such register shall be open during office hours to the inspection of any one desiring to inspect the same, and a fee of eight annas, or such fee not exceeding eight annas as the Board of Revenue may prescribe, shall be chargeable for such inspection.

Payment of sum due under a certificate may be made by instalments. Payment of instalments to be entered in register.

22. (*a*.) Payment of the amount due under a certificate may be made by instalments, if the Collector who made such certificate so direct. The payment of any instalment shall be entered in the register mentioned in section 21.

When total amount satisfied, Collector to enter satisfaction on certificate and in register;

(*b*.) When the total amount due under a certificate has been paid and satisfied, the Collector in whose office such certificate was originally filed shall enter satisfaction upon such certificate under his hand and signature; and shall cause the same to be entered in the register mentioned in section 21.

and to communicate it to other Collector in whose office a copy

(*c*.) When a copy of such certificate has been transmitted to another Collector, or when such certificate has been made under the provisions of section 9 upon notice from a public officer other than a Collector or from a manager

of such certificate has been filed.

appointed by the Court of Wards, such satisfaction shall be communicated to such other Collector or to such officer, or to such manager.

Sum levied by Collector to whom copy of certificate sent to be transmitted to Collector who made certificate.

(*d.*) When a sum has been levied or received by a Collector in respect of a certificate a copy of which has been transmitted to him and filed in his office, such Collector shall send such sum to the office in which such certificate was originally made.

Collector, Deputy Collector, Assistant Commissioner, Extra Assistant Commissioner and public officer to be deemed to be acting judicially in the discharge of his duties under this Act.

23. Every Collector, Deputy Collector, Assistant Commissioner and Extra Assistant Commissioner and every such public officer as is mentioned in section 9 shall, in the discharge of his functions under this Act, be deemed to be a person acting judicially within the meaning of Act XVIII of 1850, passed by the Governor General in Council.

Collectors, &c., to be subject to the supervision and control of Commissioners and Board in discharge of their duties under this Act.

24. All Collectors, Deputy Collectors, Assistant Commissioners and Extra Assistant Commissioners shall, in the performance of their duties under this Act, be subject to the general supervision and control of the Commissioners of Divisions and the Board of Revenue.

FIRST SCHEDULE (*See* Section 3).

Number and year.	Subject of Act.	Extent of repeal.
	Acts passed by the Lieutenant-Governor of Bengal in Council.	
VIII of 1862 ...	An Act to improve the system of zamindárí dáks in the Provinces subject to the Government of Bengal.	In section 9, the words from and including "which said double amount" to and including "making default."
VII of 1868 ...	An Act to make further provision for the Recovery of Arrears of Land-revenue and Public Demands recoverable as Arrears of Land-revenue.	In section 1, from and including the words "The word 'Demand' means" to the end of the section. In section 2, the words "not being a sale made under, and by virtue of, any execution issued upon a certificate made as hereinafter is provided." In section 6, the words "or persons liable to any demands," "or persons," "or any demands," "or persons," "or to any demands," "or persons," and "or of such demands." Sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28.

Number and year.	Subject of Act.	Extent of repeal.
	Acts passed by the Lieutenant-Governor of Bengal in Council—(contd.)	
VI of 1873 ...	An Act to amend the law relating to Embankments and Water-courses.	Section 50, from and including the words "under the provisions" to the end of the section.
I of 1875	An Act for the Realization of Arrears in Government Estates.	The whole Act.
IV of 1875 ...	An Act to provide for the summary realization of sums due on account of loans made by the Government during the late famine operations.	Section 1, from and including the words "within the meaning" to the end of the section.
V of 1875 ...	An Act to provide for the Survey and Demarcation of land.	In section 57, from and including the words "under section 2" to the end of the section.
III of 1876 ...	An Act to provide for Irrigation in the Provinces subject to the Lieutenant-Governor of Bengal.	In section 42, from and including the words "under the provisions" to the end of the section. In section 73, from and including the words "under the provisions" to the end of the section. In section 85, from and including the words "under the provisions" to the end of the section.
VII of 1876 ...	An Act to provide for the Registration of Revenue-paying and Revenue-free lands, and of the proprietors and managers thereof.	In section 82, from and including the words "under section" to the end of the section.
VIII of 1876 ...	An Act to make better provision for the Partition of Estates.	In section 138, from and including the words "under section" to the end of the section.
VII of 1878 ...	An Act to consolidate and amend the law relating to the Excise-revenue in the Presidency of Fort William in Bengal.	In section 36, from and including the words "or by the process" to the end of the section.
IX of 1879 ...	An Act to amend the law relating to the Court of Wards.	Section 63.
	Regulations of the Bengal Code.	
III of 1794 ...	A Regulation for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and for prescribing the process by which tahsildárs are to demand payment of arrears; and for enabling the Collectors to recover from Native officers employed under them public money or papers which they may embezzle or retain, &c.	Section 12. Sections 16, 17, 18, 19 and 20, so far as they relate to the recovery of money belonging to Government.

SECOND SCHEDULE.

FORM No. 1 (*See* Section 5).

Certificate of Arrears of Revenue filed in the Office of the Collector of the District of (name of district).

No. of certificate.	Name of Debtor.	Address of Debtor.	Amount of Arrears of Revenue for which this Certificate is made, and period for which such Arrears are due.	Estate or tenure for which Arrears of Revenue due.

I hereby certify that the above-mentioned sum of Rs. is due to the Secretary of State for India in Council from the above-named

Dated this day of 18 *A. B.,*
Collector of

FORM No. 2 (*See* Sections 7 and 9).

Certificate of Arrears of Public Demands filed in the Office of the Collector of the District of (name of district).

No. of certificate.	Name of Debtor.	Address of Debtor.	Amount of the Public Demand for which this Certificate is made.	Particulars of Public Demand for which this Certificate is made; and Public Officer [or Manager, *and* of what estate] to whom due.

I hereby certify that the above-mentioned sum of Rs. is due to the Secretary of State for India in Council [*or* to *A. B.*, a Ward of Court, *or* a Minor, *or* a Lunatic, by his next friend *C. D.*] from the above-named

Dated this day of 18 *A. B.*,
Collector of

FORM No. 3 (*See* Section 9).

NOTICE OF DEMAND.

To the Collector of the District of

Name of Debtor.	Address of Debtor.	Amount of Public Demand for which this Notice is given.	Nature of the Public Demand for which this Notice is given.

The above sum of Rs. is due from the said in respect of

Certified this day of

A. B.

FORM No. 4 (*See* Section 10).

NOTICE.

To (*Insert name of judgment-debtor*).

You are hereby informed that a certificate for Rs due from you on account of has been this day made by me against you under the provisions of section of Act of 1880 passed by the Lieutenant-Governor of Bengal in Council, and that such certificate has been filed in this office. If you deny your liability to pay the said sum of Rs. , you may within thirty days show cause why such certificate should not be executed. If you fail to show cause within thirty days, or do not show sufficient cause, such certificate will be executed in the same manner as if it were a decree of a Civil Court for the said sum of Rs. unless you pay the amount into this office. Until such amount is paid, you are hereby prohibited from alienating your immoveable property or any part of it by sale, gift, mortgage or otherwise.

A copy of the certificate above-mentioned is hereto annexed.

Dated this day of 18 *A. B.*,
Collector of

FORM No. 5 (*See* Section 12).

To

The Collector of the District of

The humble petition of (*name of petitioner*) of (*address*).

SHEWETH—

That a certificate No. for the sum of Rs. has been filed against your petitioner in your office under the provisions of section of Act of 1880 passed by the Lieutenant-Governor of Bengal in Council.

That your petitioner respectfully denies his liability to pay the said sum of Rs. (or, where the liability to pay part is admitted, denies his liability to pay more than Rs.), and this for the following reasons :—

That the facts above stated are true to the best of your petitioner's knowledge and belief.

Your petitioner therefore respectfully prays that the said certificate may be set aside (*or* modified *or* varied).

ACT NO. VIII OF 1880.

Received the Lieutenant-Governor's assent on the 10th of September, 1880, and the Governor General's assent on the 28th idem.

An Act to provide against the spreading of certain Contagious and Infectious Diseases among Horses.

Preamble

WHEREAS it is expedient to provide against the spreading of certain contagious and infectious diseases among horses: It is hereby enacted as follows :—

Short title Extent

1. This Act may be called "The Bengal Contagious Diseases (Animals) Act, 1880:" It applies to the Town of Calcutta as defined by Bengal Act IV of 1866, and to the Suburbs of the Town of Calcutta as defined by the notification of the 10th September, 1877, and published in the *Calcutta Gazette* for the 26th September, 1877;

Commencement

and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Interpretation clause "Disease

2. In this Act—

"Disease" means glanders, farcy or any dangerous epidemic disease among horses, which the Lieutenant-Governor may from time to time, by an order published in the *Calcutta Gazette* declare to be a disease for the purposes of this Act:

"Horse" includes ponies, asses, mules and jennets: "Horse":

"Inspector of Police" includes any Police-officer not under the rank of an Inspector of Police: "Inspector of Police":

"Section" means a section of this Act: "Section":

"Veterinary Surgeon" means a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner appointed to be a Veterinary Surgeon for the purposes of this Act by the Lieutenant-Governor. "Veterinary Surgeon."

3. Every person having in his possession or under his charge any horse which he knows or has reason to believe to be affected with disease, shall as far as practicable keep such horse separate from horses not so affected, and shall send intimation of the fact to the officer in charge of the nearest police-station within twenty-four hours from his knowledge of the same, and in default of so doing, he shall be liable to a fine not exceeding five hundred rupees. Owner of diseased horses to give information to the Police. Penalty.

4. On receiving this intimation, the officer in charge of the police-station shall have the horse examined by a Veterinary Surgeon, and if the Surgeon certifies that the animal is affected with disease, shall cause it to be forwarded to the hospital established under section 5, or if no such hospital has been established, to be slaughtered forthwith. Police-officer to proceed on information.

An Inspector of Police may exercise the powers of an officer in charge of a station under this section.

5. The Lieutenant-Governor may from time to time make, and when made, revoke, add to and alter rules in relation to the following matters or any of them:— Government may make rules.

(1) for establishing and maintaining a hospital for the examination and detention of horses affected with disease;

(2) for prescribing and realizing from the owner of any horse detained in such hospital a reasonable sum to meet the expenses connected with the conveyance, detention and disposal of the animal;

(3) for determining a proper place for the burial of horses affected with disease;

(4) for generally carrying out the provisions of this Act.

Notice of the making of any such rules shall be published in the *Calcutta Gazette*.

6. Whenever such hospital is established in Calcutta, the expenses of the same shall, so far as may be necessary, be a first charge on the surplus of the fees levied on the registration of hackney-carriages under Bengal Act V of 1866. Expenses of hospital how to be defrayed.

7. An Inspector of Police may at any time enter any place where he has reasonable grounds for supposing that any horse affected with disease is or has Power of entry of

Inspector of Police.

lately been, and may cause such horse, if found, to be dealt with in the manner laid down in section 4, and whether such horse be found in the place or not, may, upon the certificate of a Veterinary Surgeon, cause all articles that have been in contact with or used about any such horse to be burnt or otherwise destroyed.

The Inspector shall, if required, state in writing the grounds on which he has so entered.

If any person refuses admission to such Inspector, he shall be liable to a fine not exceeding five hundred rupees.

Who may take with him other officers and a Veterinary Surgeon.

8. An Inspector of Police entering any premises in accordance with the last preceding section may take with him one or more Police-officers and any Veterinary Surgeon.

Owners of infected premises bound to cleanse them.

9. Every owner or person in charge of any place as aforesaid shall be bound, if required by an Inspector of Police acting upon the certificate of a Veterinary Surgeon, to thoroughly cleanse and disinfect the same, and, on his failing to do so within twenty-four hours from the requisition, the Inspector of Police shall cause the said place to be thoroughly cleansed and disinfected;

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Burial of diseased horses

10. Every person having in his possession or under his charge any horse that has died of glanders, or has been slaughtered in consequence of being affected with glanders, shall cause the same to be buried as soon as possible in its skin, which shall be slashed before burial, and to be covered with a sufficient quantity of quicklime or other disinfectant, or to be disposed of in such other manner as the Lieutenant-Governor may direct, and in default of so doing shall be liable to a fine not exceeding two hundred rupees.

Penalty for allowing diseased horses in the streets.

11. Whoever voluntarily or negligently causes or permits any horse affected with disease to be worked, driven or led on any public road or street, except for the purpose of being taken to a Veterinary Surgeon or hospital for examination, or to be slaughtered in accordance with this Act, or voluntarily or negligently causes or permits any such horse to be turned loose or to stray or escape into any place whence such horse can escape into any public road or street or any private premises, shall be punished with imprisonment for a term which may extend to three months, or with a fine which may extend to five hundred rupees, or with both.

Penalty for vexatious entries, searches and seizures.

12. An Inspector of Police, who vexatiously or frivolously enters or searches any place, seizes or detains any horse on the pretence that it is affected with disease,

shall be punished with imprisonment for a term which may extend to three months, or with a fine which may extend to five hundred rupees, or with both

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BENGAL CESS ACT, 1880

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ACT No. IX OF 1880.

Received the Lieutenant-Governor's assent on the 10th of September, 1880, and the Governor-General's assent on the 1st of October, 1880.

An Act to amend and consolidate the Law relating to Rating for the Construction, Charges and Maintenance of District Communications and other Works of Public Utility, and of Provincial Public Works.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to rating for the construction, charges and maintenance of district roads and other means of communication, and of provincial public works, within the territories administered by the Lieutenant-Governor of Bengal, and to the levy of a road cess and a public works cess on immoveable property situate therein, and to the constitution of local committees for the management of the proceeds of the said road cess, and also to provide for the construction and maintenance of other works of public utility out of the proceeds of the said road cess: It is hereby enacted as follows :—

PRELIMINARY.

Short title and Commencement.

1. This Act may be called "The Cess Act, 1880;" and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Extent.

2. This Act shall take effect at once in every district and part of a district in which Bengal Act X of 1871 *(An Act to provide for local rating for the construction and maintenance of roads and other means of communication)* and Bengal Act II of 1877 *(An Act to provide for the levy of a cess for the construction, charges and maintenance of provincial public works)* may be in force on the date of the commencement of this Act;

The Lieutenant-Governor may, by notification in the *Calcutta Gazette*, extend its provisions to any other district or part of a district situate in the territories for the time being administered by him, and this Act shall take effect accordingly therein from the date specified in such notification;

Proviso.

Provided that nothing herein contained shall be deemed to affect any immoveable property within the limits of the ordinary original jurisdiction of the High Court of Judicature at Fort William in Bengal, or within the limits of any first or second class municipality under the Bengal Municipal Act, 1876.

Power to exempt districts from operation of Act.

The Lieutenant-Governor may, by notification in the *Calcutta Gazette*, exempt any district or part of a district, or any estate or tenure, from the operation of this Act, or from the operation of so much thereof as relates to

the road cess, or as relates to the public works cess, and may at any time, by a similar notification, revoke such exemption.

Repeal of District Road Cess Act, 1871, and Provincial Public Works Act, 1877.

3. The said Bengal Act X of 1871 and the said Bengal Act II of 1877 are hereby repealed; but this repeal shall not affect the past operation of such Acts, or anything duly done or suffered, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder;

And all rules, orders, appointments and valuations in force at the commencement of this Act which were made under the said Acts shall, so far as they are consistent with this Act, be deemed to have been made under this Act;

And all cesses which were imposed under the said Acts shall be deemed to have been imposed under this Act, and every sum due to the Collector in respect of arrears of cess, of expenses incurred, of fees or costs payable, of notices served or of fines imposed under either of the said Acts shall be deemed to be due on such accounts under this Act;

And all cesses so imposed and every sum so due may be levied as herein provided.

Interpretation-clause.

4. In this Act, unless there be something repugnant in the subject or context—,

"Annual value of land," &c.:

"Annual value of any land, estate or tenure" means the total revenue or rent which is payable, or, if no revenue or rent is actually payable, would on a reasonable assessment be payable during the year by all the cultivating raiyats of such land, estate or tenure, or by other persons in the actual use and occupation thereof:

"Commissioner":

"Commissioner" means the Commissioner of the Division:

"Cultivating raiyat":

"Cultivating raiyat" means a person cultivating land and paying rent therefor not exceeding one hundred rupees per annum:

Explanation.—When rent is payable in kind, the money value thereof shall, for the purposes of this Act, be taken to be the annual value of the landlord's share of the crop calculated on an average of the three years next preceding any valuation or revaluation under this Act:

"District":

"District" means the local area to which a Collector is appointed, and no lands situate beyond the limits of such local area shall be deemed to form part of a district by reason of their forming part of an estate paying revenue to the Collector thereof:

"Estate":

"Estate" means (1) land included under one entry in the general registers of revenue-paying lands and of revenue-free lands prepared and maintained by the Collector of a district under the "Land Registration Act, 1876," or any similar law for the time being in force:

(2) any land other than the holding of a cultivating raiyat, the revenue or

rent of which may be payable directly to the Collector or any person specially appointed by him to collect the same:

(3) any land acquired under any rules issued by, or under authority of, Government for the sale, grant, lease or clearance of waste-lands:

"Holder of an estate or tenure": "Holder of an estate or tenure" means all or any of the holders thereof, and where two or more persons are jointly holders thereof, they shall be jointly and severally liable under this Act:

"Holding": "Holding" means the land held by a cultivating raiyat:

"Immoveable property": "Immoveable property" includes lands and all benefits to arise out of land and things attached to the earth, or permanently fastened to anything which is attached to the earth, but does not include crops of any kind, or houses, shops or other buildings:

"Land": "Land" means land which is cultivated, uncultivated or covered with water, and does not include houses or buildings:

"Part," "chapter," and "section": "Part," "chapter" and "section" mean respectively a part, chapter and section of this Act:

"Schedule": "Schedule" means a schedule to this Act annexed, and every such schedule shall be read as part of this Act:

"Tenure": "Tenure" includes every interest in land, whether rent-paying or not, save and except an estate as above defined, and save and except the interest of a cultivating raiyat:

"The Collector": "The Collector" includes any person specially invested with the powers of a Collector for the purposes of this Act, and means—

i.—when used in reference to revenue-paying estates and lands comprised therein, to all proceedings connected therewith and to the assessment and levy of cesses in respect thereof,

the Collector or other similar officer on whose revenue-roll such estates are borne;

ii.—when used in reference to revenue-free estates and lands comprised therein, to all proceedings connected therewith and to the assessment and levy of cesses in respect thereof,

the Collector or other similar officer on whose general register of revenue-free lands such estates are borne:

"The Collector of the district": "The Collector of the district" includes any person specially invested with the powers of a Collector for the purposes of this Act, and means the officer in charge of the revenue-administration of a district:

"The Committee": "The Committee" means the District Road Committee of any district:

"Year": "Year" means the cess year as determined by the Lieutenant-Governor under section 11

BENGAL SECRETARIAT LIBRARY

PART I.

CHAPTER I.—*Imposition and Application of the Cesses.*

All immoveable property to be liable to a road cess and public works cess.

5. From and after the commencement of this Act in any district or part of a district, all immoveable property situate therein, except as otherwise in sections 2 and 8 provided, shall be liable to the payment of a road cess and a public works cess.

Cesses how to be assessed.

6. The road cess and the public works cess shall be assessed on the annual value of lands and on the annual net profits from mines, quarries, tramways, railways and other immoveable property, ascertained respectively as in this Act prescribed;

and the rates at which such cesses respectively shall be levied for each year shall be determined for such year in the manner in this Act prescribed;

Provided that the rate at which each such cess shall be levied for any one year shall not exceed the rate of one-half anna on each rupee of such annual value and annual net profits respectively.

Public revenues not liable for more road cess than has been paid to Collector by persons liable.

7. Nothing in this Act contained shall be deemed to require the payment by the Lieutenant-Governor of Bengal, from the public revenues, of any sum as road cess in excess of such sums as may have been paid as such cess to the Collector by persons liable to pay the same.

Government and guaranteed railways not liable to the cesses without consent of Governor General in Council.

8. No railway or tramway the property of the Government of India, and no railway or tramway of which the dividend is guaranteed by Her Majesty's Secretary of State for India in Council, or by the Governor General of India in Council, or by the Lieutenant-Governor of Bengal, shall be liable to road cess or public works cess under the provisions of this Act without the previous consent of the Governor General of India in Council.

Application of proceeds of road cess.

9. The proceeds of the road cess in each district shall be paid into the District Road Fund of such district, as hereinafter provided, and, together with other assets of such fund, shall be applied to the purposes mentioned in section 111.

Application of proceeds of public works cess.

10. The proceeds of the public works cess shall be paid into the public treasury, and shall be applied (1) to the payment of such contributions to the District Road Fund as the Lieutenant-Governor may think proper in consideration of the said cess being assessed and collected jointly with the road cess by establishments paid from the District Road Fund; and (2) to the construction charges and maintenance of Provincial Public Works, and to the payment of interest on capital which may have been expended, or which may hereafter be expended, on such works in such manner as the Lieutenant-Governor may direct.

Power to fix cess year.

11. The Lieutenant-Governor shall, by an order published in the *Calcutta Gazette*, fix the date from which the cesses leviable under this Act in any district or part of a district shall take effect therein, and may fix and from time to time alter the date from which the cess year shall run in any district or part thereof.

PART II.

MODE OF ASSESSMENT.

CHAPTER II.—*Valuation of Lands.*

Lieutenant-Governor may order valuation, and revaluation.

12. Upon the commencement of this Act in any district or part of a district the Lieutenant-Governor may order that a valuation shall be made of such district or part of a district;

and from time to time after the expiration of the term of five years from the beginning of the year in which the levy of the cesses took effect in accordance with any such valuation, or with any revaluation as hereafter provided in this section, or at any time within twelve months previous to the expiration of such term,

the Lieutenant-Governor may, if he think fit, order that a revaluation shall be made of any such district or part of a district, and such revaluation shall take effect from the beginning of such year as the Lieutenant-Governor may direct.

After five years holder of estate or tenure may apply to Collector for revaluation.

13. Whenever the term of five years shall have expired from the beginning of the year in which the levy of the cesses took effect in any estate or tenure in accordance with any valuation under this Act or Bengal Act X of 1871, the holder of any such estate or tenure may apply to the Collector to revalue his estate or tenure, and for such purpose shall lodge in the office of the Collector returns in the form in Schedule (A) contained; and thereupon the Collector shall proceed to revalue such estate or tenure, and if he make any alteration in the valuation of any such tenure, shall give notice of such alteration to the holder of the estate or superior tenure in which such tenure is included, and shall alter the valuation of such estate or superior tenure accordingly;

Provided that no revaluation or reduction of the amount of cesses previously payable in respect of any estate or tenure, in consequence of a revaluation under this section, shall take effect until the beginning of the year commencing next after such revaluation, unless the application for revaluation shall have been made and the necessary returns lodged in the Collector's office within three months after the beginning of a year, in which case such revaluation and reduction, if any, shall take effect from the commencement of such year.

Proclamation to make return of lands to be issued.

14. Whenever the Lieutenant-Governor has ordered that a valuation or a revaluation of any district or part of a district shall be made for the purposes of this Act, the Collector of the district shall cause a proclamation to be issued requiring every holder of an estate or tenure which is liable to pay an annual amount of revenue or an annual amount of rent exceeding one hundred rupees, and every holder of a revenue-free estate or rent-free tenure the gross annual rental of which exceeds one hundred rupees, severally to lodge at the office of such Collector within one month a return of all lands comprised in his estate or tenure in the form in Schedule (A) contained, giving the particulars in such form set forth.

Publication of proclamation.

The Collector of the district shall cause such proclamation to be published by affixing a copy thereof in some conspicuous place in the office of such Collector, in every civil Court, in every police-station, and in the office of every Sub-divisional Officer within the district, and in any other manner which the Lieutenant-Governor may from time to time direct.

Revaluation may be of particular estates or tenures only.

15. At any time at which the Lieutenant-Governor might order a revaluation of a district or part of a district to be made as provided by section 12, he may, if he think fit, instead of so ordering, make an order that particular estates or tenures only in such district or part of a district shall be revalued.

Notice to lodge returns.

16. Whenever any proclamation has been published, as mentioned in section 14, in any district, and whenever the Lieutenant-Governor has made an order, under the last preceding section, that a revaluation of particular estates and tenures only shall be made, the Collector shall cause a notice to be served in respect of every estate and tenure which is to be valued or revalued, and in respect of which no return shall have been lodged in accordance with the requirement of such proclamation, requiring every holder of such estate or tenure severally to lodge at the office of the Collector the return mentioned in section 14; and shall also cause a similar notice to be served in respect of every tenure included in any such estate or tenure which may have been named in any return lodged in pursuance of the provisions of this Act, or of Bengal Act X of 1871, either for the purposes of the valuation or revaluation then contemplated, or for the purposes of any previous valuation or revaluation, or of which the existence may in any other way have come to his knowledge.

Form of notice and time for lodging return.

17. The notice mentioned in the last preceding section shall be in the form No. I in Schedule (B) contained, or in the form No. II in the said Schedule contained, as the case may be, and shall require every holder of the estate or tenure severally to lodge the return within the time specified below, *viz.*,—

In the case of Revenue-paying Estates and Rent-paying Tenures.

If the return relate to an estate or tenure which is liable to the payment of annual reve-	Within six weeks of the service of the notice.

nue or of rent not exceeding Rs 500, or to any share or interest in such estate or tenure	
If the return relate to any other estate or tenure, or to any share or interest therein.	Within three months of the service of the notice.

In the case of Revenue-free Estates and Rent-free Tenures.

If the return relate to any estate or tenure of which the gross annual rental does not exceed Rs. 500, or to any share or interest in such estate or tenure.	Within six weeks of the service of the notice.
If the return relate to any other estate or tenure, or to any share or interest therein.	Within three months of the service of the notice.

The Collector may in his discretion extend the time allowed for lodging any such return.

Penalty for omitting to make return

18. All holders of estates or tenures in respect of which such notice has been served who shall, without sufficient cause being shown to the satisfaction of the Collector, refuse or omit to lodge the required return in the office of such Collector within the time allowed by such notice in respect of the estate or tenure which they hold, or within any extended time which may have been allowed by the Collector for lodging such return, shall be severally liable to a fine which may extend to fifty rupees for every day after the expiration of such time or extended time until such return is furnished, or until the value of the lands comprised in their respective estates and tenures shall have been otherwise ascertained and determined by the Collector as hereinafter provided.

The amount of such fine accruing due from time to time may be levied by the Collector as provided in section 98 or 99, and the fact of an appeal against such fine being pending shall not avail to prevent the levy of any such fine pending the disposal of the appeal, unless the Commissioner shall otherwise direct.

Whenever the amount levied in respect of any such fine exceeds five hundred rupees, the Collector shall report the case specially to the Commissioner; and no further levy for such default shall be made otherwise than by authority of the Commissioner.

No rent to be recovered till return is made

19. From and after the expiry of the time allowed by the notice, or of any extended time under the provisions of section 17, every holder of an estate or tenure in respect of which such notice has been served shall be precluded from suing for or recovering rent for any land or tenure situate in any estate or tenure in respect of which no return has been lodged as aforesaid.

The Collector may send a list to the Civil Court of all such holders so making default in lodging returns as aforesaid, and such Court shall take judicial notice of the same.

Whenever the required return is lodged in respect of any estate or tenure, or whenever the valuation of any such estate or tenure has been otherwise completed, the disability imposed on the holder thereof by this section shall cease; and if such estate or tenure shall have been included in any list as aforesaid, the Collector shall forthwith give notice to the Civil Court of the cessation of such disability.

No rent to be recovered for land, &c., not mentioned in return.

20. Every holder of an estate or tenure in respect of which a return has been made as required by this chapter shall be precluded from suing for or recovering—

(a) any rent whatsoever for any land, holding or tenure forming part of the estate or tenure to which such return relates, but which has not been mentioned in such return, unless it be proved that the holding or tenure for the rent of which the rent is claimed was created subsequently to the lodging of such return;

(b) rent at any higher rate than is mentioned in such return for any land, holding or tenure included in such return, unless it be proved that the rent of such land or tenure has been lawfully enhanced subsequently to the lodging of such return:

Proviso.

Provided that the Collector may at his discretion, at any time within six months from the presentation of any return made under this Part, receive a petition correcting any such return;

and on the acceptance of such petition may make such correction in the valuation of the estate or tenure as may be required;

and as soon as the person in respect of whose estate or tenure the return and valuation have been so corrected shall have paid in all sums due by him as road cess and public works cess in accordance with such corrected valuation, and not otherwise, such person may recover such rent as may be due to him on any tenure or land included in the return of such estate or tenure at any rate not being in excess of the rate shown in the corrected return as payable in respect of such tenure or land.

Such notices as the Collector may direct shall be served upon the parties affected by such petition at the expense of the person lodging the return as aforesaid.

If returns not furnished, Collector to make valuation.

21. If no return shall have been lodged in respect of any lands for which notice under section 16 has been issued, the Collector may, after the expiration of the time allowed by the notice, or of such extended time as is mentioned in section 17, ascertain and fix, by such ways and means as to him shall seem expedient, the annual value of any estate, tenure or lands mentioned in such notice; and all expenses incurred in making such valuation may be recovered with all costs of recovery thereof as provided in sections 98 and 99.

After conviction of making false returns, Collector may make valuation.

22. Whenever the maker of any return under this Act has been convicted on a prosecution under section 94 of making a false return relating to any lands, the Collector may, by such ways and means as to him shall seem expedient, ascertain and fix the annual value of such lands;

and the expense of such valuation may be recovered from the maker of such return as provided in sections 98 and 99.

In certain cases of incorrect returns, Collector to make valuation whether prosecution be instituted or not.

23. Whenever the Collector may deem that any return lodged relating to lands for which no rent is payable by cultivating raiyats to the person making such return is untrue or incorrect, he may, whether any prosecution as mentioned in section 94 shall have been instituted or not, by such ways and means as to him shall seem expedient, ascertain and fix the annual value of such lands; and in case the annual value of such lands so determined by him shall exceed by one-fifth the value stated in such return, the expense of such valuation may be recovered from the person by whom such return was lodged, as provided in sections 98 and 99, and in all other cases the said expense shall be borne by the District Road Fund.

Person returned as cultivating raiyat may be served with notice.

24. The Collector may, whenever he may think fit, cause a notice in the form No. I in Schedule (B) contained to be served on any person holding any lands or possessing any interest therein, although such person may have been mentioned in any return as a cultivating raiyat; and thereupon such person shall be bound to make a return of the annual value of such lands within one month from the service of such notice in the form in Schedule (A) contained, and the provisions of sections 17 and 18 regarding extension of time for lodging a return and regarding fines respectively shall be applicable to such person.

If no return made, Collector may ascertain annual value of lands.

25. If no return is made by any person on whom a notice has been served as provided in the last preceding section, the Collector may proceed by such ways and means as to him shall seem expedient to ascertain the annual value of the lands held by such person; and in case it appears that such annual value is greater than the rent paid by such person, the expense of such valuation shall be borne by such person and may be recovered with all costs of recovery thereof as provided in sections 98 and 99, but in all other cases shall be borne by the District Road Fund.

Collector may correct classification in returns.

26. If it shall appear to the Collector that any person on whom a notice has been served under section 24 has been wrongly classed in the return as a cultivating raiyat, the Collector may direct that the entry be corrected and that such person be classed as a tenure-holder;

and thereupon such person shall be deemed to be a tenure-holder for the purposes of the assessment and levy of the cesses in respect of the lands held by him.

Summary valuation of small revenue-paying estates and tenures.

27. Whenever the revenue annually payable in respect of any estate, or the rent annually payable in respect of any tenure, does not exceed the sum of one hundred rupees, the Collector may without issuing any notice for such estate or tenure—

(*a*) in any case, determine the annual value of the land comprised therein to be in a permanently-settled estate or tenure, a sum not exceeding three times, and in a temporarily-settled estate or tenure, a sum not exceeding twice, the amount of the annual revenue or rent payable therefor; or

(*b*) when the area of the said estate or tenure has been ascertained, determine the annual value of such estate or tenure to be at such rate per acre as to him shall seem fit.

Summary valuation of small revenue-free estates and rent-free tenures of which the area has been ascertained.

28. When the area of any revenue-free estates or rent-free tenure, the gross rental of which does not exceed, or is not estimated by the Collector to exceed, the sum of one hundred rupees has been ascertained, the Collector may, without issuing any notice for such estate or tenure, determine the annual value of such estate or tenure to be at such rate per acre as to him may seem fit.

Computation of annual value of land comprised in a subordinate tenure in a summarily valued estate or tenure.

29. When the land contained in any estate or tenure has been summarily valued by the Collector in the manner provided by clause (*a*) of section 27, the annual value of any portion of such land which is comprised within a tenure subordinate to such estate or tenure shall be determined according to the following rules:—

(1.) When the subordinate tenure comprises the whole of the estate or superior tenure, the annual value of the subordinate tenure shall be taken to be the same as that of the estate or superior tenure.

Example.—An estate paying a revenue of Rs 80 is summarily valued by the Collector under clause (*a*) of section 27 at Rs. 200. The whole estate is let in patní for a rent of Rs. 120. The annual value of the patní tenure will be Rs. 200.

(2.) When the subordinate tenure comprises a part only of the land constituting the estate or superior tenure—

(*a*) the difference between the annual value of the estate or superior tenure, and the revenue or rent payable in respect of such estate or superior tenure, shall first be ascertained;

(*b*) next, the ratio which such difference bears to such revenue or rent shall be ascertained;

(*c*) Then the amount which bears the same ratio to the rent payable in respect of the subordinate tenure shall be ascertained;

(*d*) half of the amount so ascertained shall be added to the rent payable in respect of the subordinate tenure, and

the result shall be taken to be the annual value of the subordinate tenure.

Example A —An estate paying revenue of Rs 60 is summarily valued by the Collector under clause (*a*) of section 27 at Rs 100 A part only of the estate is let in patní for a rent of Rs 37 8

The difference between the annual value of the estate (Rs 100) and the revenue paid in respect of it (Rs 60) is Rs 40 This difference bears a ratio of two thirds to this revenue (Rs 60)

The amount which bears the same ratio (two thirds) to the rent payable in respect of the patní (Rs 37 8) is Rs 25

add half of Rs 25 to the rent payable in respect of the patní tenure and the result (Rs 37 8+Rs 12 8=) Rs 50 will be the annual value of the patní tenure

Example B —Within the patní tenure paying a rent of Rs 37 8 as in example A is a darpatní tenure paying a rent of Rs 27

The difference between the annual value of the patní tenure ascertained as above (Rs 50) and the rent payable in respect of the patní (Rs 37 8) is Rs 12 8 which bears a rate of one third to the said rent

The amount which bears the same ratio (one third) to the rent payable in respect of the darpatní (Rs 27) is Rs 9;

add half of Rs 9 to the rent payable in respect of the darpatní and the result (Rs 27+Rs 4-8=) Rs 31 8 will be the annual value of the darpatní tenure

When such land may be valued according to rate per acre

30 When the land contained in any estate or tenure has been summarily valued according to a rate per acre, under clause (*b*) of section 27, or under section 28, the annual value of the land comprised in any subordinate tenure shall be taken at the same rate per acre as that of the estate or superior tenure

Holder of summarily valued estate or tenure may lodge return

31 The holder of any estate or tenure which has been summarily valued under section 27 or 28 may, within one month from the posting of the valuation roll in respect thereof under section 35, lodge a return in the form in Schedule (A) contained in regard to such estate or tenure, and thereupon such return shall be deemed to be a return made as required by section 16 and shall be dealt with accordingly

Collector may value small estate or tenure by regular process

32 Instead of proceeding to value any estate or tenure summarily under the provisions of section 27 or 28, the Collector may, if he think fit, cause a notice to be served in respect of any such estate or tenure in the form No I in Schedule (B) contained, or in the form No II in the said Schedule contained, as the case may be, and thereupon all the provisions of this Part shall apply in the same way as they would have applied if the annual Government revenue or rent payable in respect of such estate or tenure had exceeded one hundred rupees

Lands used for Tea, Coffee or Cinchona

Return of plantations &c

33 In the case of lands acquired under any rules issued by, or under the authority of, the Government for the sale, lease, grant or clearance of waste-lands, or held directly from Government, and used for the cultivation of tea,

coffee or cinchona, the Collector shall, in lieu of the notice prescribed by section 16, cause a notice to be served calling on the holder of such lands to lodge, within two months of the service of such notice a return in the form in Schedule (C) contained, giving the particulars in such form set forth, and the annual value of such lands shall be fixed at ten rupees in respect of every acre therein entered as cultivated, unless the Board of Revenue shall in any particular case prescribe a lower rate The provisions of sections 18 and 21 shall apply to all lands in respect of which a notice has been issued under this section

Publication of Valuation-rolls and Duration of Valuations

Valuation rolls to be prepared

34 Whenever any valuation or revaluation is made under this Part the Collector shall cause to be prepared from the returns furnished to him and from the valuations made by him in accordance with this Act a valuation-roll of each estate within his district and of the tenures therein comprised noting thereon for each estate the amount of revenue annually payable to Government on which the deduction specified in section 41 is to be calculated

On the application of any holder of an estate or tenure or holding and on payment of such copying fee as the Board of Revenue shall from time to time determine, the Collector shall cause to be furnished to such holder a copy or corrected copy of so much of any such returns and of any such roll as relates to the lands included within his estate tenure or holding

Publication of rolls

35 On the completion of every roll prescribed under this Part the Collector shall cause a copy thereof to be posted up at the mâl-kachahri of the estate to which such roll refers and shall cause extracts of such portions of any such roll as refer to any tenure to be posted up at the mâl kachahri of such tenure

Provided that, if no such mâl kachahri be found, such roll and such extracts shall be posted up at some conspicuous places on the estate and tenures respectively to which they refer, and that, if such estate or tenure cannot be found such roll and such extracts shall be posted at some conspicuous place in any village in which such estate or tenure is believed to be situate

To be attested by two persons

The person who is entrusted with the publication of any such return shall obtain an acknowledgment in writing signed by two persons who may be either respectable residents of the neighbourhood, or chaukidars, or other officers of Government, to the effect that such return was duly published on the spot, and shall give in such acknowledgment to the Collector

Valuation and revaluation to be in force for five years.

36 Except as otherwise in this Part expressly provided every valuation and revaluation made under this Chapter shall remain in force for the term of five years from the date fixed by the Lieutenant-Governor under section 12

as the date from which the cess leviable in pursuance thereof shall take effect, and thereafter, until another revaluation and assessment in substitution therefor shall have been ordered and completed

Collector may reduce valuation

37 Nothing in section 36 contained shall be held to debar the Collector, with the sanction of the Board of Revenue, from making at any time any reduction which he may think fit in the valuation of any estate or tenure,

and may value and assess omitted and newly found estates and tenures

or from making a valuation of and assessing and levying cess under the rules laid down in this Part upon any estate or tenure which for any reason whatever has been omitted from the valuations and assessments for the time being in force, or which was not in existence when such valuation or assessment was made

CHAPTER III —*Rating and Levy of the Cesses*

Rate at which road cess shall be levied how to be fixed

38 The road cess for each year shall be assessed and levied in each district as provided in section 6, and subject to the maximum rate in that section mentioned, at such rate as may be determined for such year by the Committee of such district with the approval of the Commmissioner under section 150 or 151, or with the approval of the Lieutenant Governor under section 153, as the case may be, or at such rate as the Lieutenant-Governor may order under section 153

Rate at which public works cess shall be levied how to be fixed

39 The public works cess for each year shall be assessed and levied in each district as provided in section 6, and subject to the maximum rate in that section mentioned, at such rate as the Lieutenant-Governor may determine for such year

Notice showing amount of cess payable to be served on zamindárs

40 When the rate of road cess and public works cess to be levied in any district shall have been determined for any year and published in the *Calcutta Gazette* as provided in section 155, the Collector of the district

shall cause the rate so determined to be published by affixing a notification in some conspicuous place in the office of the said Collector, in every Civil Court, in every police-station, and in the office of every sub divisional officer within the district,

and shall cause such rate to be proclaimed by beat of drum throughout the district,

and shall cause to be served on the holder of every estate within the district a notice showing the amount of road cess and public works cess payable in respect of his estate, and specifying the date from which such road cess and public works cess will take effect,

Provided that it shall not be necessary to serve such notice when no change has been made in the valuation of the estate or in the rate of road cess or public works cess since the issue of the last notice under this section

41. Except as otherwise in this Act provided—

(1) every holder of an estate shall yearly pay to the Collector the entire amount of the road cess and public works cess calculated on the annual value of the lands comprised in such estate, at the rate or rates which may have been determined for such cesses respectively for the year as in this Act provided, less a deduction to be calculated at one-half of the said rates for every rupee of the revenue entered in the valuation-roll of such estate as payable in respect thereof; *Mode of payment of road cess and public works cess by holder of estate;*

(2) every holder of a tenure shall yearly pay to the holder of the estate or tenure within which the land held by him is included the entire amount of the road cess and public works cess calculated on the annual value of the land comprised in his tenure at the rate or rates which may have been determined for such cesses respectively for the year as in this Act provided, less a deduction to be calculated at one-half of the said rates for every rupee of the rent payable by him for such tenure; *by holder of tenure;*

(3) every cultivating raiyat shall pay to the person to whom his rent is payable one-half of the said road cess and public works cess calculated at the said rate or rates respectively upon the rent payable by him, or upon the annual value ascertained under the provisions of section 24 or 25 of the land held by him. *by cultivating raiyat.*

42. (1.) Every holder of a revenue-paying estate shall pay the amount of road cess and public works cess due by him in equal instalments on the several days fixed for the payment of the instalments of revenue due in respect of his estate, or, if such revenue be payable in one annual sum, then on the day fixed for the payment of such sum. *Time of payment by holder of an estate;*

(2.) Every holder of a revenue-free estate shall pay the amount of road cess and public works cess due by him in two equal instalments or in one annual payment upon such days or day as shall be for that purpose appointed by any order of the Lieutenant-Governor.

(3.) Every holder of a rent-paying tenure and every cultivating raiyat shall pay the amount of road cess and public works cess due by him in instalments in the proportion of the instalments of rent payable in respect of the tenure or holding of such tenure-holder or raiyat: *By tenure-holder and raiyat.*

Provided that in cases in which, according to local usage or to the terms of any agreement, no part of such rent falls due before the end of the year on account of which it is payable, the tenure-holder or raiyat shall pay the amount of road cess and public works cess due by him in two equal instalments upon such days as shall be for that purpose appointed by any order of the Lieutenant-Governor.

43. In case of partition of an estate being effected under Regulation XIX *Distribution*

of valuation in case of partition

of 1814, or Bengal Act VIII of 1876, or any similar Act, after valuation of such estate and while such valuation remains in force, the total valuation of the original estate shall be distributed proportionately under the order of the Collector over the newly formed estates, whereupon the newly formed estates shall for the purposes of this Act, take the place of the original estate, the liability to pay cess in respect of each newly-formed estate being separate and distinct from the liability to pay cess in respect of any other of such newly-formed estates

Such separate liability shall take effect from the same date as the separate liability of the newly-formed estates respectively in respect of land revenue

Procedure to be followed when there is a partition

The procedure prescribed by sections 34 and 35 shall be followed whenever a redistribution of the valuation is made in consequence of a partition as mentioned in the last preceding section

Effect of opening separate account under Act XI of 1859 or Act VII of 1876

44 When a recorded sharer of a joint revenue paying estate has opened a separate account under Act XI of 1859, or under section 70 of Bengal Act VII of 1876, or any similar law for the time being in force for the regulation of the opening and maintaining of such separate accounts, he shall be entitled, in regard to the payment and realization of road cess and public works cess under this Act, to all the advantages of separate liability enjoyed by him under the said Act XI of 1859, and Bengal Act VII of 1876, in regard to the payment and realization of revenue, and shall be entitled to separate assessment and to the issue of separate notices under this Act from the date on which such advantages shall take effect in respect of the demand of Government revenue

(2) Whenever any such separate account is opened after the valuation of an estate and while such valuation remains in force, the Collector shall issue a notice on the holders of the shares severally, in respect of which the accounts are to be kept separately informing them that, unless any objection is preferred to the Collector within one month of the service of such notice, the amount of the cesses which the whole estate is liable to pay according to the existing valuation will, from the date on which such separate accounts were opened, be apportioned among such shares severally in proportion to the amount of Government revenue for the payment of which each such share is entered in the separate accounts as being liable. Such notice shall specify such proportionate amount

(3) If no such objection be preferred within the time specified, such proportionate amount shall be the amount of the cesses for which the respective holders of such several shares are primarily liable as mentioned in section 13 of Act XI of 1859, subject, however to the general responsibility of the holders of the entire estate as mentioned in section 14 of the said Act, if the

amount of the cesses due on account of any such share cannot be recovered as provided in sections 98 and 99 of this Act from the holders of such share

(4) If any such objection shall be preferred as aforesaid the total amount of the cesses for which the whole estate is liable according to the existing valuation thall be apportioned among the several shares in respect of which such separate accounts are opened in proportion to the annual value of such shares respectively under such rules or special instructions not being inconsistent with this Act, as may be issued by the Board of Revenue, and the holders of such several shares shall be primarily liable as aforesaid for the payment of the amount of the cesses so apportioned on their shares respectively

Penalty for default in payment of instalments

45 If any instalment of road cess or public works cess or part thereof payable to the Collector shall not be paid within fifteen days from the date on which the same becomes due, the amount of such instalment or part thereof may be recovered at any time within three years after it became due, with interest at the rate of twelve per centum per annum calculated from the date on which such instalment became due, and with all costs of recovering the same

Will permission of the Lieutenant Governor Collector may keep a separate account of the amount of cesses payable by registered holders of revenue free estates

46 (1) In any district to which the Lieutenant Governor may specially order that the provisions of this section shall be extended it shall be lawful for the Collector to keep a separate account in respect of the amount of cesses payable and paid by any holder of a revenue free estate who is recorded in Part I of the Collector's general register of revenue free lands as proprietor or manager of any specified share or interest in any revenue free property

(2) Such separate account shall be opened and kept under such rules as to the levy of fees and other matters and subject to such conditions and in such manner as the Board of Revenue may from time to time prescribe, and the Board of Revenue may at any time order that any separate account which has been so opened shall be closed from such time as they may direct, and no longer kept as a separate account

(3) As long as any separate account shall remain open as provided in the preceding section and no longer the joint liability of the holders of such revenue free estate for payment of the entire amount payable in respect of such estate shall cease, and the Collector shall recover the amount of cess or other demand due in respect of each share or interest for which an account has been so separately kept from the holder or holders of such share or interest only, and, if the Collector shall think fit to proceed under section 99, he shall take action under that section against the share or interest only in respect of which the sum demanded is due and the rents thereof

Recovery by holders of estates or tenures.

47 Every holder of an estate or tenure to whom any sum may be payable under the provisions of this Act may recover the same with interest at

the rate of twelve and half per centum per annum in the same manner and under the same penalties as if the same were arrears of rent due to him

Recovery from co sharers

48 Any shareholder in an estate or tenure who may have paid the road cess or public works cess payable in respect of such estate, tenure or any part thereof in excess of the amount proportionate to his own interest in such estate or tenure may recover from his co sharers such sums as he may have paid on account of their respective shares and interests in the same manner and under similar penalties, or may take credit for such sums in any adjustment of accounts between himself and his co sharers

Recovery by recorded shareholders from their co sharers by certificate process

49 Whenever any shareholder in an estate who is recorded in the general register of revenue paying and revenue-free lands maintained by the Collector, or whenever any shareholder in an estate the extent of whose share or interest in such estate is recorded in any other register kept up by the Collector of lands paying revenue or rent to the Collector direct, shall have paid the road cess or public works cess payable in respect of such estate or any part thereof in excess of the amount proportionate to his own interest in such estate, he may, within fifteen days of such payment being made, move the Collector to make a certificate as provided by any law for the time being in force for the recovery of public demands, specifying the amount which has been paid in by such shareholder as cess in respect of the recorded share or interest of any other shareholder in the estate,

and thereupon such Collector may if he think fit make such certificate, and such certificate shall have the same effect as a certificate made for the recovery of a public demand, and the same notices shall be issued and the same proceedings may be taken thereon by the Collector as in case of such certificate

Provided that the person in whose favour the certificate has been made shall be deemed to be the decree-holder for the sum mentioned in the certificate, and all proceedings taken by the Collector for the recovery of the sums mentioned in the certificate shall be taken at the instance of the person in whose favour the certificate has been made and at his cost, and on his responsibility and not otherwise

Provided also that, if any person against whom such certificate has been made shall object that the amount of the cesses for the recovery of which the certificate has been made is greater than the amount which the applicant for the certificate would recover from such person in a civil court as being equitably payable in respect of such person's share or interest in the estate, and if in the opinion of the Collector there is probable ground for such objection, the Collector may, if he see fit, cancel such certificate, and leave the applicant to his remedy in the civil court

CHAPTER IV.—*Valuation and Assessment of Lands held Rent-free and Payment and Recovery of Cess in respect thereof.*

Rent-free lands in what estates or tenures to be included for the purposes of this Act.

50. All lands held without payment of rent other than lands mentioned in section 33, and other than estates entered on the general register of revenue-free lands of the district, shall, for the purposes of this Act, be deemed to form a part of any tenure within the local boundaries of which they are contained; and if they are not contained within the local boundaries of any tenure, then to form a part of any estate within the local boundaries of which they are contained; and if they are not contained within the local boundaries of any estate, then to form a part of the estate in which they were included at the original settlement of such estate; and if there be any doubt as to the estate in which they were so included, then to form a part of such conterminous estate as the Collector, in whose district such conterminous estate is situate, shall by an order under his seal appoint.

Holders of estates and tenures bound to return rent-free lands, and to pay cess at half rates for such lands included therein.

51. Every holder of an estate or tenure who is required by this Act to submit a return in the form in Schedule (A) contained, shall be bound to enter in such return all lands of the nature of those specified in section 50 according to the tenor thereof; and shall be bound to pay road cess and public works cess on the annual value of such lands at one-half of the rates fixed under this Act for the levy of such cesses respectively in the district generally for the year.

Notice and extracts of valuation-roll to be published by Collector in respect of such rent-free lands.

52. Whenever any lands held rent-free shall have been included in the return of any estate or tenure as provided in the last preceding section, the Collector shall, on publication of the valuation-roll of such estate or tenure as provided in section 35, cause to be published a notice in the form in Schedule (D) contained, to which notice shall be annexed such extracts from the valuation-roll of such estate or tenure as relate to such lands.

Such publication may be lawfully made by affixing one copy of such notice and extracts at some conspicuous place in every village within which any such lands are situate,

by depositing another copy of the same at any police-station, registration-office or other Government office in the neighbourhood for the inspection of all concerned,

and by proclamation as herein next provided.

The proclamation shall be made by beat of drum throughout every such village, and shall be to the effect that such extracts have been so affixed and deposited, and that the owners and holders of such lands are required to inform themselves, by inspection of such extracts of the valuation put upon their lands, and to pay yearly to the holder of the estate or tenure in the return of

which such lands are included, the cesses which shall be payable in respect of such lands under the provisions of this Act.

Holder of rent-free land may object to valuation.

53. Within a reasonable time not exceeding thirty days after the issue of any process for the recovery of any sum due from him as cess under this chapter, the owner, holder or occupier of any such land may make before the Collector an objection to the valuation of his land as entered in the valuation-roll so published, and on such objection being made the Collector shall, by such ways and means as to him shall seem expedient, ascertain and fix the annual value of the land in the possession of such owner, holder or occupier, and may alter such roll accordingly, and shall give notice of any such alteration to the holder of the estate or tenure to which such roll relates;

Provided that nothing in this section shall be taken to authorize the Collector to alter any return so as to show any area of land as held rent-free which the maker of such return can show to be accounted for by him in the return as rent-paying land.

Notice to be published by holders of estate in certain cases

54. In the following cases, that is to say—

(1) whenever a new valuation or revaluation takes effect in any district or part of a district;

(2) whenever the rate fixed for the levy of the road cess or of the public works cess in any year is changed from the rate at which such cess was levied in the preceding year; and

(3) whenever the dates fixed by the Lieutenant-Governor under section 57 for payment of instalments of the cesses by holders of rent-free land are changed,

the holder of every estate or tenure to whom any cesses are payable in respect of lands held free of rent shall cause a notice to be published in every village in which any such lands are situate, informing all concerned of the rate which has been fixed for the levy of such cesses respectively; and requiring every owner and holder of any such land of which the cesses are payable to the person who causes the notice to be published to pay the amount of the cesses specified in such notice as it falls due, until a similar notice of change of the amount shall be given.

Such notice shall contain the following information in respect of each tenure and holding of rent-free land which is entered separately in the Collector's valuation-roll:—

(1) a specification of the land in respect of which the cesses are payable;

(2) the name of the owner, holder or occupier of such lands, if known;

(3) the annual value of such land as entered in the Collector's valuation-roll;

(4) the rate on each rupee of the annual value which has been fixed under

the Act for the levy of the road cess and public works cess respectively for the year

(5) the amount of the cesses payable in respect of each tenure or holding calculated at such rates and

(6) the dates fixed by the Lieutenant Governor under section 57 for the payment of each instalment together with the amount of each instalment

55 Publication of the notice abovementioned may be lawfully made by affixing one copy of the same at some conspicuous place in every village in which any such land is situate

Mode of publication

by depositing another copy thereof to be available for general inspection at any mâl kachahri

of the estate or tenure in which such land is included

or at any other convenient place in the neighbourhood

and by proclamation as herein next provided

The proclamation shall be made by beat of drum throughout such village, and shall be to the effect that such notice has been so affixed and so deposited, that it is open to inspection at the mâl kachahri or other convenient place as abovementioned and that every owner and holder of rent free land is required to inform himself of the contents of such notice and to pay the amount of the cesses due by him accordingly

56 After publication of the extracts from the roll as provided in section 52, and in cases in which publication of the notice mentioned in section 4 is required after publication of such notice and not otherwise every owner and holder of any rent free land included in such extracts and every person in receipt of the rents and profits or in possession and enjoyment of such land shall be bound to pay year by year to the holder of the estate or tenure in the return of which such land has been included the amount of the road cess and public works cess which may thereafter become due to such holder calculated on the annual value of such land as entered in such extracts or on any other annual value which may have been determined by the Collector under section 53 at the full rate or rates which may have been fixed under this Act for the levy of such cesses respectively in the district generally for the year

Owner of rent free land bound to pay cess at full rate

57 The payment of the cesses for each year by the holder of any land which is held rent free shall be made by two equal instalments or in one payment upon such days or day as shall be for that purpose fixed by the Lieutenant Governor

Instalments to be fixed by Lieutenant Governor

58 When an instalment of the cesses due on any rent free land is not paid to the holder of the estate or tenure to whom it is due within one month of the date on which such instalment is payable such holder shall be entitled to

If instalments not paid within a month double

the amount may be recovered.

recover a sum equal to double the amount of such instalment due to him under sections 56 and 57, with interest on such sum calculated at the rate of twelve and a half per centum per annum from the date on which such instalment was payable, and with all costs of suit;

Provided that such holder shall have paid to the Collector all sums due to such Collector up to date in respect of road cess and public works cess, and not otherwise.

Holders of estates, &c., may send in supplementary returns in respect of rent-free lands.

59. If the holder of any estate or tenure shall have omitted to enter in his return (whether such return was made under Bengal Act X of 1871, or under this Act) any rent-free land which he was bound to enter in such return, such holder may at any time after the passing of this Act give in to the Collector a supplementary return showing the necessary particulars in respect of the land so omitted in the form given in Part IV of Schedule A, and shall thereupon pay to the Collector the amount of the cesses which would have been payable by him to such Collector in respect of such land for the three years next preceding, or for any shorter period which may have elapsed since the estate or tenure was last valued.

Effect of supplementary returns.

60. Such supplementary return shall to all intents and purposes have the same effect as a return duly made under the provisions of section 51; and sections 51 to 56 (both inclusive) shall be applicable to and in respect of any rent-free land included in such supplementary return.

Sections applicable to amounts payable by owner, &c., of rent-free land.

61. The provisions of sections 57 and 58 shall be applicable to every amount which, as provided in section 56, may become payable by the owner and holder of any such rent-free land to the holder of any such estate or tenure after the fulfilment of the requirements in section 52, 53 and 54 contained.

Section 58 not applicable to such amounts until sections 52, 53 and 54 are complied with.

62. The provisions of section 58 shall not be applicable to any such amount which may have become so payable under the provisions of Bengal Act X of 1871 or of this Act before the fulfilment of the requirements of the sections 52, 53 and 54; but when any instalment of cess which may have become payable before the fulfilment of such requirements has not been paid to the holder of such estate or tenure on the date on which such instalment was payable, the holder of such estate or tenure may recover the amount of such instalment, together with interest at the rate of twelve and a half per centum per annum on such amount, and with all costs of suit;

Provided that no holder of an estate or tenure shall recover any amount under the provisions of this section, unless he has paid to the Collector all sums which became payable by him to such Collector on account of road cess and public works cess, at any date within the year in which the amount sought to be recovered became payable to such holder of an estate or tenure.

Owner of

63. As soon as the said requirements shall have been fulfilled in respect of

any such land which is included in any such supplementary return every owner and holder of such land and every person in receipt of the rents and profits, or in possession and enjoyment of such land, shall be bound to pay the amount of the road cess and public works cess which may thereafter become due on such land to the holder of the estate or tenure, in the supplementary return of which such land has been included Sections 56 and 57 and 58 shall be applicable to the cesses so payable

rent free land liable to pay cess in future

64 (1) Every holder of an estate or tenure who has included any rent-free lands in any return made to the Collector in respect of his estate or tenure under the provisions of the Bengal Act X of 1871, and has paid to the Collector any cess payable under the said Act, or under the Bengal Act II of 1877, in respect of the said rent-free lands, may at any time after the commencement of this Act give in to such Collector an additional return in the form given in Part IV of Schedule (A)

Additional return of rent-free land entered in return under Act X of 1871 may be made

(2) Such additional return shall be deemed to be a supplementary return within the meaning of section 59 and from the date of the inclusion of any such lands in such additional return, the same consequences shall ensue, and the same rights and obligations accrue to the Collector and to the holder of such estate or tenure, and the same liabilities shall attach to the owner, holder and occupier of such lands as would have attached to them respectively if such lands had been included in a supplementary return given in under section 59

Additional return to be deemed supplementary return

65 Whenever any occupier of land which is held rent-free by the owner thereof shall have paid any sum as cess due in respect of such land to any holder of an estate or tenure to whom such cess is payable, such occupier shall be entitled to deduct the sum so paid by him from the rent next thereafter payable by him to the owner of such land, until such sum is fully adjusted.

Occupier may deduct cess paid from rent

66 Notwithstanding anything in this chapter contained, the Collector may at any time cause a notice as mentioned in section 16 to be served on the holder of any rent free land which he shall consider not to have been entered in the return of any estate or tenure in which such land ought to have been included under the provisions of section 51 Such notice shall require the holder of such land to lodge at the office of the said Collector a return in the form in Schedule (A) contained in respect of such land,

Notice to be served on holder of rent free land requiring him to lodge return

and on service of such notice, the provisions of this chapter shall no longer apply to such lands, but the same consequences shall ensue, and the same liabilities shall attach to the holder of such land as would have ensued and would have attached if such lands had constituted a revenue-free estate

If the Collector has reason to believe that any land in respect of which he determines to serve such notice has been included in the return of any estate

or tenure, he shall give notice of his intention to the holder of such estate or tenure, and shall alter such return as may be requisite, and shall correct the valuation and assessment of such estate or tenure as may be required.

If no notice served such holder bound to notify omission to Collector.

67. If within one year of the commencement of this Act no notice has been served as mentioned in section 66 on the holder of any rent-free land requiring him to lodge a return in the office of the Collector, and if such land has not been included in any extracts from the returns of estates and tenures published by the Collector under section 52 or other similar section, the holder of such rent-free land shall be bound within one month of the expiration of such year to give information of such omission to the Collector, together with a description of the said land, a specification of the village or villages within which it is situate, the area in each village, and the amount of rent payable to him thereupon:

Provided that no holder of rent-free land who at any time after the expiration of the time prescribed shall of his own motion and otherwise than after the issue of any notice by the Collector in respect of his lands give such information to the Collector shall be liable to prosecution for omitting to give such information within the prescribed time.

Collector thereupon may require such holder to make return.

68. On receipt of such information, whether within the time prescribed or after the expiration thereof, the Collector may, by an order in writing, require such owner or holder to make a return of his land in the form in Schedule (A) contained, or, if the gross rental of such land does not exceed one hundred rupees, may order that such land shall be summarily valued under section 27 or section 28, and may proceed to make such valuation.

Order to have effect of notice.

69. Every order made by a Collector under the last preceding section shall have the same effect and be followed by the same consequences as the issue of a notice by the Collector under section 66.

Liability of such holder to pay arrears of cesses.

70. As soon as any rent-free land, which had not previously been included in the valuation of any estate or tenure, has been valued by the Collector after the issue of a notice as provided in section 66, or after an order made under section 68, the holder of such land shall become liable to pay to the Collector the road cess and the public works cess due on such land, in accordance with such valuation, for the three years last preceding such valuation, at the full rates at which such cesses were respectively levied for each such year in the district generally, together with interest calculated at twelve and a half per centum per annum on each instalment from the date on which such instalment would have been payable if such valuation had been in force.

Such holder is not liable to pay cesses except to Col-

71. No owner or holder of rent-free land on whom a notice has been served by the Collector under section 66, or in respect of whose land an order has been made by the Collector under section 68, shall be liable to have the land

to which such notice or order refers included in any return of an estate or tenure or to pay any amount as road cess or public works cess otherwise than to the Collector or to some person appointed by him in that behalf, unless, on a revaluation of any estate or tenure being made, the Collector shall by an order in writing direct that for the future such land shall be included within such estate or tenure for the purposes of this Act,

Collector or his Deputy

and upon such order being made, the provisions of this chapter in so far as they are applicable, shall apply to the assessment and payment of road cess and public works cess in respect of such land

CHAPTER V —*Valuation, Assessment and Levy of Cesses on Mines, Railways and other Immoveable Property*

72 On the commencement of this Act in any district, and thereafter before the close of each year, the Collector of the district shall cause a notice to be served upon the owner, chief agent, manager or occupier of every mine, quarry, tramway, railway and other immoveable property not included within the provisions of Chapter II, and not being one of the tramways or railways mentioned in section 8, such notice shall be in the form in Schedule (E) contained, and shall require such owner, chief agent, manager or occupier to lodge in the office of such Collector within two months a return of the net annual profits of such property, calculated on the average of the annual net profits thereof for the last three years for which accounts have been made up

Notice to return profits.

Such Collector may in his discretion extend the time allowed for lodging such return

73 Whenever any property assessable under this chapter lies in two or more districts, the notice to furnish a return under section 72 shall be served on the owner, chief agent, manager or occupier of such property by or through the Collector of the district in which such owner, chief agent, manager or occupier may reside or have his chief place of business, and one return for the whole of such property shall suffice

When property lies in different districts

74 Whenever any property assessable under this chapter lies partly within and partly outside the territories administered by the Lieutenant-Governor of Bengal, the return furnished as required by section 72 shall state the total annual net profits calculated as aforesaid accruing from such property, and also the proportion of such profits which may reasonably be calculated to accrue in the territories administered by the Lieutenant-Governor of Bengal

When property is partly in and partly outside Bengal

75 If such return be not furnished within the period of two months from the date on which such notice was served, or within any extended time allowed by the Collector of the district, or if such Collector shall deem that any return made in pursuance of such notice is untrue or incorrect, such Collector shall

If return not furnished or incorrect Collector to make valuation

proceed to ascertain and determine by such ways or means as to him shall seem expedient the annual net profits of such property calculated as aforesaid.

Valuation on value of property

76. If such Collector be unable to ascertain the annual net profits as aforesaid of any property assessable under this chapter, he may, by such ways or means as to him shall seem expedient, ascertain and determine the value of such property, and shall thereupon determine six per centum on such value to be the annual net profits thereon.

Cost of valuation from whom to be recovered

77. The expenses incurred in making any valuation under section 75 or section 76 may be recovered together with all costs of the recovery thereof as provided in section 98 from the person who was bound to make such return or who made the incorrect return.

Notice of valuation

78. So soon as such Collector shall have ascertained and determined the annual net profits as aforesaid of any such property, he shall cause to be served upon the owner, chief agent, manager or occupier of such property a notice informing him of the amount of the annual net profits so ascertained and determined by him.

Valuations under this chapter to be annual

79. New valuations under this chapter shall be made by the Collector of the district every year, and such Collector may for that purpose cause such notices to be issued and served, and such returns to be made, and shall have such powers and authorities as are in this Part mentioned and conferred:

Declaration of annual net profits by owner for five years

Provided that, whenever any return made under section 72 shall be accepted by the Collector for any year, the owner, chief agent, manager or occupier of such property may, if he see fit, declare in writing at the time of such acceptance that the annual net profits set forth in such return may, for the purposes of this Act, be deemed to be the annual net profits for each of the five years then next ensuing;

Effect of acceptance by Collector of declaration

And if the Collector of the district shall agree to accept such declaration, no new valuation shall be made of such property until the said five years shall have expired.

Notice of rate of cess and dates of payments

80. When the rate of road cess and public works cess to be levied in the district upon property assessable under this chapter shall have been determined for any year as in this Act provided, the Collector of the district shall cause to be served on the owner, chief agent, manager or occupier of every such property a notice showing the amount of road cess and public works cess respectively payable in respect of such property, and specifying the date from which such cesses shall take effect. And such amount shall be payable by such owner, chief agent, manager or occupier to such Collector in two equal instalments—the first on the expiry of six months, the second on the expiry of nine months, after the date fixed as hereinbefore provided for the commencement of the year.

81. In any case in which the occupier of such property is a different person from the owner, and has paid in excess of half of the sum due as road cess and public works cess on account of any instalment, such occupier shall be entitled to deduct the amount of such excess from the next and subsequent instalments of rent payable in respect of such property; and every owner who has paid in excess of half of such sum due shall be entitled to recover the amount of such excess from the occupier, provided that in no case shall an occupier deduct from his annual rent more than half of the rate of the road cess and public works cess on every rupee thereof.

Recovery by occupier or owner who has paid in excess.

82. The total of the cesses payable in respect of property assessable under this chapter, owned or occupied by the same person in two or more districts, shall be payable to the Collector of the district where the owner, chief agent, manager or occupier may reside or have his chief place of business, and shall be by him transmitted to the Collectors of other districts in the proportion in which the Committees of such district shall be severally entitled thereto, as provided in the section next following.

How distributed when property in different districts.

83. Whenever any property assessable under this chapter lies in two or more districts, the Lieutenant-Governor shall from time to time determine out of the total annual net profits stated in the return, or in the valuation of such profits accruing in the territories subject to him, and ascertained in any manner as aforesaid, the proportions in which such property shall be assessed in each of the said districts respectively, and the proportion of the road cess due thereon which shall be assigned to the Committee of each district concerned.

Determination of proportion of profits when property in different districts.

84. Every notice under this chapter may be served—

Service of notices under this chapter.

(*a*) by leaving it at the registered office (if any) of such owner, chief agent, manager or occupier aforesaid; or

(*b*) by sending it by post in a letter addressed to such owner, chief agent, manager or occupier at his office, or, if he have more offices than one, at his principal office; or

(*c*) by giving it to such owner, chief agent, manager or occupier.

CHAPTER VI.—*Special Provisions for Orissa and Midnapur.*

85. In any district of the province of Orissa, and in the district of Midnapur, the Collector may at any time, with the sanction of the Commissioner, order that any revenue-free estate not exceeding 500 standard *bighás* in extent, of which the valuation shall have been completed, shall, for the purpose of payment and levy of the cesses due in respect thereof, be annexed to any other estate within the ambit of which it is situate or which it adjoins.

Collectors in Orissa and Midnapur may order certain revenue-free estates to be annexed to other estates for purposes of payment of cess.

Notice to be given to holder of estate of which such revenue free estate is annexed

86. Notice of such order shall be given by the Collector to the holder of the estate to which such revenue-free estate is ordered to be so annexed, and to such notice shall be appended a copy of the valuation-roll of the said revenue-free estate, and thereupon such holder shall be liable to pay annually to the Collector on account of such revenue-free estate, road cess and public works cess at one-half of the rates which may be fixed under this Act for the levy of the said cesses respectively in the district generally for each year.

Notice to be given to holder of revenue free-estate.

87. Notice of such order shall also be given by the Collector to the holder of the said revenue-free estate, and such notice shall require him to pay annually, and he shall thereupon be bound to pay to the holder of such other estate, road cess and public works cess at the full rates which may be fixed under this Act for the levy of the said cesses respectively in the district generally for each year.

Cesses payable by holder of revenue-free estates in such instalments as Lieutenant-Governor may direct

88. Such cesses shall be so payable by the holder of the said revenue-free estates in two equal instalments, on such dates as may be fixed by the Lieutenant-Governor under section 42 for the payment of cess by the holders of revenue-free estates, or in such other instalments and on such other dates as the Lieutenant-Governor may direct, or, if the Lieutenant-Governor shall so order, the whole amount so payable on account of such cesses for each year shall be payable in a single sum on any such date as the Lieutenant-Governor may appoint.

In default of payment as hereby required, the provisions of section 47 shall be applicable.

Notices to be served

89. Whenever the service of a notice on the holder of a revenue-free estate is required by the provisions of section 40, the Collector shall cause such notice to be served, notwithstanding that the revenue-free estate may have been annexed to another estate as hereinbefore provided;

and the Collector shall further cause a notice containing the same particulars to be served in respect of such revenue-free estate on the holder of the other estate to which it is under the provisions of section 85 annexed.

Collector may revoke orders passed under section 85

90. The Collector may at any time, with the sanction of the Commissioner, revoke any order passed under section 85, and shall give notice of such revocation both to the holder of the revenue-free estate affected and to the holder of the other estate to which such revenue-free estate was annexed.

CHAPTER VII.—*Miscellaneous.*

Collector may appoint certain establishments

91. The Collector, with the sanction of the Board of Revenue, may appoint such establishments as may be required for making valuations and re-valuations under this Act, for making collections, recovering arrears, keeping accounts connected therewith, and generally for all purposes connected with

such valuations, revaluations, collections, and recoveries, and other purposes of this Act, and may incur such other expenses as are requisite for such purposes,

and the payment of such establishments and other charges on bills signed by the Collector shall be the first charge on the District Road Fund

Powers of Collector in making valuation

92 For the purpose of making any valuation of lands directed by this Part, the Collector shall exercise the powers vested in Collectors by clause I of section 23, and clause I of section 24 of Regulation VII of 1822 except so far as the said clauses authorize any enquiry into rights or interests attaching to such lands

Commissioner or Board may revise valuation

93 Every valuation under this Part shall be open to revision by the Commissioner or Board of Revenue, and not otherwise

False returns.

94 Any person who is bound to make any return under this Part shall be deemed to be legally bound to give notice and to furnish information to a public servant in respect of the same If the Collector shall see ground for believing that any return made is false, he may prosecute the maker accordingly And if the person so prosecuted is convicted, the Collector may proceed to make a valuation of the lands mentioned in such return by such ways and means as to him shall seem expedient

Returns evidence against the maker only

95 Every return filed by or on behalf of any person in pursuance of the provisions of this Part, shall bear the signature and address of such person, or his authorized agent, and shall be admissible in evidence against such person, but shall not be admissible in his favour

Service of notices under this Part.

96 Every notice under this Part required to be served, except as otherwise expressly provided, may be served—

(1) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person resides, or by delivering the said notice to any agent authorized to appear generally for the person to whom such notice is directed, or

(2) by sending a registered letter containing such notice directed to the said person at his usual place of abode or to the place where he may be known to reside, or

(3) by posting a copy of the notice at the mal kachahrí of the estate or tenure to which the notice relates or, if no such mal kachahrí be found, on some conspicuous place on such estate or tenure and, in the case of estates paying their annual revenue by four instalments, by delivering another copy thereof to the agent who shall have paid an instalment of revenue next after the preparation of such notice In all cases where two or more persons are holders of an estate or tenure, service of notice under this clause shall be deemed to be good and sufficient service on each and all of such persons

Costs of service.

97. The costs of service of every notice and process by this Act required to be served shall in the first instance be defrayed from the District Road Fund, and, subject to such rules as may be made by the Board of Revenue under section 106, shall be recoverable either from the person to whom such notice or process is addressed, or from the person owing to whose default such notice or process is issued, as the Collector may think fit; and every such amount shall be deemed to be due to the Collector, but when levied by the Collector shall be credited to the District Road Fund:

No costs to be recovered for certain notices.

Provided that no costs or other expenses whatever shall be recovered from any person in respect of the publication or issue of any proclamation or notice calling for any return, or giving intimation of any amount payable by any person as cess under this Act other than notices of demand to pay any amount of cess which has become due.

Dues under the Act to be levied as public demand.

98. Every amount due, or which may become due, to any Collector under the provisions of this Act in respect of any arrears of cess, of any expenses incurred, of any fee or costs payable, of any notices served, of any fines imposed, or on any other account, may be realized by such Collector by any process provided by any law for the time being in force for the realization of public demands; and shall be deemed to be a public demand under such law:

Provided that the District Road Committee shall indemnify the Collector of the district for all expenses incurred, and for all costs and damages for which such Collector may become liable (whether in connection with suits before the civil courts or otherwise) in respect of any proceedings for the recovery of any such dues as aforesaid.

Collector may recover dues out of rent.

99. Instead of proceeding as provided by the last preceding section for the recovery of any sum due under this Act, or if after so proceeding the Collector shall have failed to find property belonging to the person from whom any such sum is due, by the sale of which such sum may be fully recovered, the Collector may, if he see fit, after recording his opinion to that effect, cause a notification in form in Schedule (F) contained to be issued for the estate or tenure in respect of which any such amount is due. Such notification shall be published by beat of drum in every village containing any land to which such notification relates, and a copy thereof shall be posted in a conspicuous place in every such village and at the mal kachahrí of the estate or tenure to which such notification relates, if such kachahrí be found.

Every payment of rent, save and except to the Collector or some person by him thereunto appointed, made after such publication until further order from the Collector, shall be null and void;

and the Collector may recover by any process of law for the time being in force, by which he might recover rent due to the Government from a tenant in

an estate which is managed directly by the Collector, the rent then or thereafter to become due from any occupier, tenure-holder, under-tenant or raiyat on the estate or tenure in respect of which the notification has been issued, until the amount due to the Collector together with all costs shall be satisfied, whereupon the said notification shall be revoked.

The receipt of the Collector in respect of all sums paid to him as rent or so recovered shall be, to the extent of such sums, a valid discharge in respect of rent due by the occupier, tenure-holder, under-tenant or raiyat to whom such receipt is given.

Collector's claim to have priority.

In case the Collector shall see fit so to proceed, the claim for arrears of road cess and public works cess due from any estate or tenure in respect of which a notification has been issued as above provided, shall have priority over any other demand or claim or lien existing thereupon other than the demand of Government-revenue.

Lieutenant-Governor may invest any person with Collector's powers.

100. The Lieutenant-Governor may at any time invest any person with the powers of a Collector under this Part to be exercised by such person under the control or supervision of the Collector, or independently of such control and supervision, as the Lieutenant-Governor shall direct.

Collector may delegate powers.

101. The Collector may, with the sanction of the Commissioner, delegate all or any of his powers and functions under this Part to be exercised, under the control and supervision of the Collector, by any Deputy Collector, Assistant Collector, Sub-Deputy Collector or other officer of like rank;

Provided that every order passed by such Deputy Collector, Assistant Collector, Sub-Deputy Collector or other officer shall be appealable to the Collector within fifteen days of such order being passed.

Appeals against valuation.

102. Every person who shall deem himself to be aggrieved by any valuation made by a Collector under the provisions of sections 75 or 76 may, within one month after the issue of the notice mentioned in section 78,

and every person who shall deem himself to be aggrieved by any valuation made by the Collector under the provisions of any other section of this Part, may, within one month after the posting up of a copy of the valuation-roll as mentioned in section 85,

prefer his objections to the Collector, and if such objections, or any of them, are disallowed, may, within one month of such disallowance, appeal to the Commissioner against such valuation, and the decision of the Commissioner shall be final.

Orders for levy of fine appealable.

103. Every order for the levy of a fine or of expenses passed by a Collector under this Act shall be appealable to the Commissioner within one month from the service of the first process for the levy of such fine or expenses. Except as otherwise provided in section 18, pending such appeal, and until the order of

the Commissioner, which shall be final, all process for such levy shall be discontinued

Orders appealable to Commissioner

104 Every order passed by the Collector under sections 19, 20, 26, 50, 51, 53, 85, 98 or 99 shall be appealable to the Commissioner within one month from the date of such order

Collector's proceedings subject to supervision of Commissioner and Board

105 Notwithstanding anything hereinbefore contained, all proceedings of the Collector or of any officer of a lower grade under this Part shall be subject to the general control and supervision of the Commissioner and of the Board of Revenue, and all such proceedings of the Commissioner shall be subject to the general control and supervision of the Board of Revenue

Board may make rules.

106 The Board of Revenue may from time to time make, and, when made, from time to time alter, add to, or cancel any rules—

(*a*) prescribing forms for the notices, returns and valuation-rolls required by this Part to be issued or made,

(*b*) prescribing the amounts which shall be levied in respect of the issue of each notice and process under this Part, and regulating the recovery thereof under section 97,

(*c*) prescribing the amount of copying fee to be levied in respect of supplying extracts and copies of returns and valuation-rolls as provided in section 34,

(*d*) apportioning the amount of the cesses for the payment of which the respective holders of the several shares of an estate in respect of which separate accounts are kept shall be primarily liable under section 44,

(*e*) regulating the opening, keeping and closing of separate accounts in respect of amounts of cess payable by recorded shareholders in revenue-free estates as provided in section 46,

(*f*) regulating the proceedings of Collectors under Chapter V,

and otherwise providing for the proper execution of this Act in respect of valuations of the assessment and of the levy of the cesses and other sums due under the same

All rights in immoveable property saved unless affected by this Act.

107 Nothing in this Part contained, and nothing done in accordance with this Act, shall be deemed to affect the rights of any person in respect of any immoveable property or of any interest therein except as otherwise expressly provided in this Act

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PART III

CONSTITUTION AND ADMINISTRATION OF THE DISTRICT ROAD FUND.

CHAPTER VIII.—*Constitution and Application of the District Road Fund*

Constitution of District Road Fund

108 The District Road Fund of every district under this Act shall consist of the amount produced by the road cess,

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of all sums levied or recovered as fines, penalties or otherwise in respect of the cesses under this Act,

of all sums assigned by the Government thereto, whether as a contribution from the proceeds of the public works cess towards the expenses of assessing and collecting such cess jointly with the road cess or otherwise, and

of all sums whatsoever which may be at the disposal of the District Road Committee as hereinafter appointed.

Application of District Road Fund.

109. The District Road Fund of every district shall be applicable to the following objects and in the following order :—

Firstly.—To the payment of the cost of establishments entertained and expenses incurred by the Collector as mentioned in section 91 ;

to the indemnification of the Collector with the sanction of the Commissioner for any other costs or damages which he may have incurred, or for which he may have become liable in the course of the proceedings for the assessment and collection of the cesses under this Act ;

and to the payment of such sums as may be determined by the Lieutenant-Governor for the purposes mentioned in section 181, subject to the limit imposed in that section :

Secondly.—To the payment of establishments entertained and expenses incurred by the District Road Committee for the purposes of this Act, and of any leave allowances, gratuities or pensions which may be payable under this Act :

Thirdly.—To the payment of any sums which the Committee may under this Act from time to time have undertaken to pay as interest on capital expended on any works which may directly improve the means of communication within the district or between the district and adjacent districts :

Fourthly.—To the repair and maintenance of roads, bridges, water-channels and other means and appliances for facilitating communications which have been taken charge of by the Committee under this Act, or towards which they may have agreed to contribute :

Fifthly.—To the construction of new roads, bridges, water-channels and other means of communication ;

to the construction, provision, repair and maintenance of any means and appliances for facilitating communication within the district or between the district and adjacent districts which the Committee may determine to construct or to take charge of, or towards which they may determine to contribute ;

to the planting of trees by the roadside ; and

to the construction and maintenance of any means and appliances for improving the supply of drinking-water, or for providing or improving drainage ; and

Sixthly.—To investment in any local debenture loans issued by the Government of India or the Lieutenant-Governor for the construction of productive works, which may directly improve the means of communication within the district, or between the district and adjacent districts;

Provisos.

Provided—

(1) that no sum shall be expended from the District Road Fund in the construction of any channel for the purposes of irrigation,

or for the purposes of drainage connected with any irrigation-works in charge of public officers,

or for the improvement or maintenance of any water-channel on which tolls are levied, when the proceeds of such tolls are not paid into the District Road Fund;

(2) that no part of the District Road Fund of any district shall be applied to the construction or maintenance of any road within any first or second class municipality under the Bengal Municipal Act, 1876, unless such road shall have been expressly excluded from the operation of the said Act under section 32 thereof; and

(3) that no part of the District Road Fund of any district shall be expended on any work or for any purpose without the limits of such district, unless the special sanction of the Lieutenant-Governor to such expenditure shall have been obtained, as being for the benefit of the district charged.

Committee may guarantee sums for District Road Fund as interest on capital.

110. With the sanction of the Lieutenant-Governor, the Committee may from time to time undertake to guarantee the annual payment from the District Road Fund of such sums as they shall think fit, as interest on capital expended on any works which may directly improve the means of communication within the district, or between the district and other districts.

Lieutenant-Governor may apportion costs of works extending over more than one district.

111. Whenever any works to which any portion of the Road Fund of any district is applicable under the last preceding section extend over more than one district, the Lieutenant-Governor may decide the proportions in which the Road Fund of each district concerned shall contribute towards the cost or interest upon the cost of such works.

CHAPTER IX.—*The District Road Committee.*

Constitution of District Road Committee.

112. For the administration of the District Road Fund and for the construction, repair and maintenance of district-roads, bridges, water-channels and other works as aforesaid under this Act, the Lieutenant-Governor shall from time to time appoint, or cause to be elected, under such rules in regard to qualification, election and discharge as may by him be prescribed, any number of the payers of road cess of such district, their managers or agents to be members of a District Road Committee.

113. Every member of the Committee may hold office for five years from the date of his appointment or election, and the Lieutenant-Governor may at any time before the expiration of such term of five years accept the resignation of such member.

Members may hold office for five years. Resignation of member.

114. The Lieutenant-Governor may remove any member appointed or elected under this Act, if such member shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct.

Removal of member.

115. Any member who, without having obtained permission from the Committee, shall have omitted to attend six consecutive meetings of the Committee,

and any member who shall have been sentenced to imprisonment,

shall cease to be a member of the Committee.

Member who neglects to attend meetings, or is sentenced to imprisonment, to cease to be member.

116. In addition to the members appointed or elected as aforesaid, the Lieutenant-Governor may appoint any officer of Government to be a member of the Committee, and may direct, by a writing signed by him, that all persons holding the offices in such writing specified shall be *ex officio* members of the Committee for any district in which they exercise the said offices, and in which this Act shall have come into force;

Appointment of *ex officio* members.

Provided that the number of members of the Committee holding salaried offices under the Government shall not be more than one-third of the total number of the Committee.

Members holding salaried offices under Government not to exceed one-third.

117. No act or proceedings of the Committee shall be invalidated by reason that at the time of doing such act or taking such proceedings the number of members of the Committee as then existing, who were holding salaried offices under the Government, was greater than the proportion mentioned in the last preceding section; and no act or proceedings of any meeting shall be invalidated by reason of the proportion of members holding such salaried offices as aforesaid present at the same being greater than as provided by the said section.

Proceedings not to be invalidated by reason of excessive proportion of officials.

Their Mode of transacting Business.

118. The Collector of the district shall be the Chairman of the Committee, and the Vice-Chairman shall be appointed as provided in section 129.

Chairman and Vice-Chairman of Committee.

119. The Committee shall have an office within the district in and for which they shall have been appointed, and shall meet for the transaction of business at least once in every quarter of a year.

Committee to have an office.

120. There shall be two kinds of meetings for the transaction of business, namely, special meetings and ordinary meetings.

Two kinds of meetings.

What are special meetings

121. Meetings of the following descriptions shall be special meetings:—

(1) Any meeting convened by the Chairman under section 123;

(2) For the election of a Vice-Chairman under section 129;

(3) For determining the salary of the Engineer under section 131;

(4) For the election of an Engineer under section 132;

(5) For determining the details of establishment, and the salaries to be attached to each office, under section 133;

(6) For making rules for leave of absence under section 134, and for pensions and gratuities under section 138;

(7) For considering and passing the general statement under section 141 or any revised or supplemental statement under section 143;

(8) For preparing and framing an estimate of income and expenditure, and for determining the rate of road cess for the coming year under sections 146 and 148;

(9) For amending any such estimate under section 157;

(10) For receiving and considering the annual report and accounts under section 179.

All other meetings shall be ordinary meetings.

President at meetings

122. The Chairman, or, in case of his absence at the time appointed for the meeting, the Vice-Chairman, shall preside at every meeting of the Committee. In the absence of both the Chairman or Vice-Chairman, the members present may choose one of their number to be President of such meeting.

Meeting to be called on requisition

123. The Chairman, or, in case of his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing and signed by not less than one-third of the members, convene a meeting.

Notice of meeting

124. At least ten days' notice shall be given of every meeting. Every notice shall state the business to be transacted at the meeting proposed to be called; and no business other than that so stated shall be transacted at such meeting, except with the permission of the meeting.

Quorum

125. (1.) No business shall be transacted at any special meeting unless at least one-fourth of the total number of members forming the Committee at the time of the meeting are present at the commencement and close of such business; and no business shall be transacted at an ordinary meeting unless at least three members are so present.

Delegation of powers to Sub Committee.

(2.) The Committee may delegate any of their powers to Sub-Committees consisting of such member or members of their body as they think fit. Any Sub-Committee so formed shall, in the exercise of the powers delegated, conform to any regulations that may be imposed on them by the Committee.

Adjournment

(3) The Committee may hold meetings and adjourn as they think proper

Questions at any meeting shall be determined by a majority of votes of the members present, and, in case of an equal division of votes, the president shall have a second or casting vote. Voting, &c. of Committee.

126. If at the time appointed for a special meeting, or within one hour thereafter, a quorum is not present, the meeting shall stand adjourned till some future day to be appointed by the Chairman or Vice-Chairman of the Committee, and ten days' notice of such adjourned meeting shall be given. The members present at such adjourned meeting shall form a quorum, whatever their number may be. Adjourned meeting.

127. The minutes of the proceedings of every meeting shall be recorded in a book to be kept for that purpose in the office of the Committee, and any person resident in, or owning or holding land in, the district may at all reasonable times inspect and examine such book without payment of any fee, and may obtain a certified copy of any extract therefrom on payment of such fees as the Lieutenant-Governor may direct. Minute-book to be kept.

At the request of any member of the Committee who is not acquainted with the English language, the Chairman shall cause to be delivered to such member an abstract of the minutes of any meeting in the vernacular of the district.

128. All correspondence between the Committee and the Lieutenant-Governor shall pass through the office of the Commissioner, who in all things under this Part shall be subject to the control and supervision of the Lieutenant-Governor. Correspondence between Committee and Lieutenant-Governor.

The Committee shall furnish the Lieutenant-Governor and the Commissioner respectively with any information for which they may call connected with the duties imposed upon them by this Act. Committee to furnish information.

Their Vice-Chairman, Engineer and Establishment.

129. The first meeting of the Committee shall be convened by the Chairman at such time as he shall think fit, and shall proceed to nominate one of the members of the Committee to be Vice-Chairman of the Committee, and shall submit to the Lieutenant-Governor the name of the person so nominated; whereupon the Lieutenant-Governor may, if he think fit, appoint such person to be Vice-Chairman of the Committee, or may require the Committee to nominate and to submit to him the name of some other person, and whenever the office of Vice-Chairman shall be vacant, a Vice-Chairman shall be nominated and appointed in the manner abovementioned: Appointment of Vice-Chairman.

Provided that whenever the office of Vice-Chairman shall become vacant, the Chairman may, with the approval of the Commissioner, appoint any member of the Committee to be Vice-Chairman thereof *ad interim* until the vacancy shall have been filled up by appointment as above provided. Vice-Chairman may be appointed *ad interim*.

Vice-Chairman may hold office for two years.

The Vice-Chairman may hold office for a period not exceeding two years, and at the expiration of that time may be re-nominated by the Committee and re-appointed to the office by the Lieutenant-Governor.

Removal of Vice-Chairman.

130. The Lieutenant-Governor may, if he thinks fit, upon the recommendation of two-thirds of the members voting at any special meeting, remove the Vice-Chairman, and any member entitled to vote may give a proxy in writing to any other member for the above purpose.

Proxies allowed.

Such proxy shall be produced at the time of voting, and shall entitle the member to whom it is given to vote as authorized by the tenor of such proxy.

Salary of District Engineer.

131. The Committee at a special meeting shall determine the salary which they are prepared to give to the District Engineer, and shall report the same to the Lieutenant-Governor, who may approve of such salary, or require the Committee to increase or to reduce the same. In determining such salary regard shall be had in each district to the character of the works and the nature of the duties required therein. The salary so determined and approved may from time to time be altered by the Committee with the approval of the Lieutenant-Governor.

Appointment of Engineer

132. (1.) Whenever the office of District Engineer shall be vacant, the Committee shall represent the occurrence of such vacancy to the Lieutenant-Governor, who shall thereupon cause a list of qualified officers not being less than three in number to be laid before the Committee, and the Committee shall proceed to elect a District Engineer from the persons named in such list.

Existing appointments to hold good for two years only.

(2.) All appointments of District Engineers existing at the time of the commencement of this Act shall hold good for a period not exceeding two years from such commencement, and on the expiration of such time every office of District Engineer to which the last appointment shall have been made before the commencement of this Act shall be deemed to be vacant, and a District Engineer shall be appointed in manner above prescribed.

Provided that, if the Lieutenant-Governor and the Committee are satisfied that no change is required, any person holding the appointment of District Engineer at the time of the commencement of this Act may, with the sanction of the Lieutenant-Governor, be re-appointed by the Committee to be District Engineer.

Engineer may be suspended or dismissed by Lieutenant-Governor.

(3.) The District Engineer may be suspended, removed or dismissed from his office by the Lieutenant-Governor.

Establishments and salaries how to be fixed.

133. The Committee, subject to the limit of cost imposed by section 135, may, with the sanction of the Commissioner, determine, and from time to time alter, the details of the establishment of officers (other than the

District Engineer), clerks and servants to be employed by them or by any Branch Committee as hereinafter appointed, and the salary to be paid to each such officer, clerk or servant; provided that no salary exceeding Rs. 200 a month shall be attached to any office without the express sanction of the Lieutenant-Governor.

Appointments how to be made.

Appointments to offices on the establishment so determined shall be made as follows:—To every office of which the salary does not exceed Rs. 50 per mensem, by the Chairman of the Committee or of the Branch Committee, as the case may be;

To every office of which the salary exceeds such amount, by the Committee or the Branch Committee, as the case may be, with the approval of the Commissioner.

Any such officer, clerk or servant as aforesaid may be suspended or dismissed by the authority appointing him, subject to an appeal to the Commissioner, whose decision shall be final.

Leave of absence to officers.

134. The Committee shall make such rules as to leave of absence and absentee allowances as they from time to time may think fit for their own officers and servants, as well as for those of any Branch Committee;

Provided that, in the case of District Engineers drawing a salary of Rs. 200 or upwards per mensem, leave of absence on medical certificate may be granted by the Lieutenant-Governor in accordance with the rules contained in Supplement F of the Civil Leave Code, or any other rules for the time being in force for uncovenanted officers of Government, and that no other leave of absence shall be granted to a District Engineer by the Committee without the sanction of the Lieutenant-Governor.

Salaries not to exceed one-fourth of income.

135. The aggregate salaries and absentee allowances of the engineers, officers, clerks and servants aforesaid, entertained by any District Road Committee and by all Branch Committees in any district, together with the expenses of the Collector's establishments under section 91, and the amount which such District Road Committee is required to pay under section 181, shall not for any one year, without the express sanction of the Lieutenant-Governor, exceed one-fourth of the income of the Committee for the said year exclusive of the balance of the previous year.

Appointment of Divisional Superintendent of Works.

136. The Lieutenant-Governor may, on the application of two-thirds of the Committees in any division, appoint a Divisional Superintendent of Works, with the necessary office establishment, for the control and supervision of the executive works establishment in all districts of such division, and may determine the proportion of the cost payable by each district in the division in respect of the same.

Appointment

of Superintendent of Works for group of districts

districts, whether forming part of the same division or otherwise, appoint a Superintendent of Works and establishment as aforesaid for such districts, and determine the proportion of the cost payable by each such district in respect of the same.

Pensions, gratuities, &c.

138. The Committee may, with the approval of the Lieutenant-Governor, make rules for pensions and gratuities to be granted and paid out of the District Road Fund to their officers and servants, and to those of any Branch Committee and to the members of any establishment appointed by the Collector of the district under section 91, and may from time to time, with such approval, repeal, alter or add to such rules;

Provided that no officer shall be entitled to any persion or gratuity under this Act from the Road Fund of any district in respect of any period during which he was not serving under the Committee of such district, or under the Collector of such district on an establishment entertained under section 91 for the purposes of this Act:

Provided also that no officer lent by Government and contributing from his salary to any pension fund shall be entitled to claim any pension from the District Road Fund.

Their Functions.

Mode of executing contracts.

139. The Committee may through their Chairman or Vice-Chairman enter into and execute any contract necessary for the purposes of this Act;

Provided that every contract made on behalf of the Committee in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, shall be sanctioned by the Committee and shall be in writing and signed by at least two of the members of the Committee, one of whom shall be the Chairman or Vice-Chairman;

Unless so executed, such contract shall not be binding on the Committee.

Penalty on members and officers being pecuniarily interested in contracts.

140. No member, officer or servant of the Committee shall be in anywise pecuniarily interested in any contract or work made with, or executed for, the Committee; and if any such member, officer or servant be so interested, he shall be incapable of afterwards continuing to be a member of the Committee or holding or continuing in any office or employment under the Committee, and shall be liable on conviction thereof to a fine of five hundred rupees;

Exception.

Provided that nothing in this section shall apply to any person by reason only of his being a shareholder in any company incorporated by Act of Parliament or by Royal Charter or otherwise, or registered under any Act for the registration of joint stock companies, passed by the Parliament of the United Kingdom, or by any Indian Legislature, which may enter into any contract

with the Committee, or execute any work for the Committee, if such person shall, at or before the time of any such contract being made or tendered for, declare to the Committee the extent of his interest in such company, and, if he be an officer or servant of the Committee, obtain the sanction of the Committee to his continuing to be such officer or servant.

Statement of communications to be prepared.

141. On the commencement of this Act in any district or part of a district, the Vice-Chairman, within three months after his election, shall cause to be prepared a general statement of the roads, bridges, water-channels and other means of communication to be brought within the operation of this Act within the three years then next ensuing, and the Committee shall, at some meeting to be held within one month after the submission of such statement or at any adjourned meeting, take such statement into consideration, and may pass such statement, or may make such alteration or addition therein as it shall think fit. Such statement shall be prepared with due advertence to the provisions of section 109.

Statement to be forwarded to Commissioner.

142. The Committee shall forward the statement which shall be passed as provided in the last preceding section to the Commissioner for transmission to the Lieutenant-Governor.

Supplemental statement.

143. The Vice-Chairman may in any subsequent year cause to be prepared a supplemental statement of the kind mentioned in section 141 or a revised statement, and every such supplemental or revised statement shall be subject to the provisions of the last two preceding sections with respect to the statement therein mentioned.

Lieutenant-Governor may include or exclude any works in or from statement.

144. The Lieutenant-Governor may at any time order that any road, bridge, water-channel or other means of communication as abovementioned be included in, added to or excluded from, any statement or supplemental or revised statement prepared as mentioned in section 141 or 143.

Estimates: Determination of the Rate for the Year, and Publication thereof.

Collector to submit to Committee annual statement of estimated assets for coming year.

145. The Collector shall, at such date as the Committee shall fix, prepare and deliver to the Committee a statement showing under separate heads the estimated proceeds for the year then next ensuing of the road cess at the maximum rate hereinbefore provided, and also of any sum and of any sources of revenue for the said year which the Lieutenant-Governor shall have assigned to the said district, or which may be otherwise at the disposal of the Committee.

Annual estimate to be prepared.

146. The Committee shall, at some meeting to be held in such month as the Lieutenant-Governor shall determine, prepare an estimate of the income and expenditure of the Committee for the year then next ensuing.

Works not to

147. Notwithstanding that any work has been included in such estimate,

be executed until estimates passed or execution sanctioned

the Committee shall not begin the execution of any work until detailed specifications and estimates of the same have been passed, or until the execution of the work shall have been otherwise sanctioned by any authority whose sanction to the execution of such work is required under any rules made by the Lieutenant-Governor on that behalf as hereinafter provided.

Committee to determine rate of road cess

148. In making the estimate of income as by the last section required, the Committee shall take into consideration any sum and the proceeds of any source of revenue which shall have been placed at their disposal by the Lieutenant-Governor, or which may otherwise be available to them, and any unexpended balance of the District Road Fund of the previous year which is expected to be available for expenditure in the year of estimate; and shall proceed to determine the rate at which it will be necessary to levy the road cess for the last-mentioned year, so as to provide the further amount estimated to be required for expenditure in the said year.

Limit of estimate

149. The total amount proposed to be expended in any one year in and by any estimate prepared as required by section 146 shall not exceed the proceeds estimated to be at the disposal of the Committee for that year from the road cess, if levied within the district at the maximum rate at which such cess is leviable as mentioned in section 6, together with any sum, and the annual proceeds of any source of revenue which shall have been placed by the Lieutenant-Governor at the disposal of the Committee, or which may be otherwise at their disposal, and with the estimated unexpended balance of the District Road Fund of the previous year as abovementioned.

Commissioner may revise estimate

150. Every such estimate prepared by the Committee under section 146 shall be forwarded through the Collector of the district to the Commissioner, and the Commissioner may approve such estimate and the rate determined by the Committee.

Commissioner may under certain circumstances alter estimate

151. If such estimate shall have been approved by any number, being less than two-thirds, of the members of the Committee present at the meeting at which such estimate was adopted, the Commissioner may, before approving of such estimate, make such alterations as he shall think fit in the details or total of such estimate, or may return such estimate to the Committee with instructions to make any such alterations in such details or total:

Provided that the Commissioner shall not make, and shall not require the Committee to make, otherwise than with their own consent, any such alterations as shall have the effect of raising the total of such estimate above the total of the sum estimated to be at the disposal of the Committee for expenditure during the year in question, the cess being levied at the rate which may have been determined for such year by the Committee under section 148

On receipt of such instructions the Committee shall proceed to make such alterations, and shall resubmit the estimate to the Commissioner, who shall thereupon approve of the estimate and of the rate determined by the Committee.

Procedure where estimate has been approved by not less than two-thirds of Committee.

152. (1.) If any estimate prepared under section 146 shall have been approved by any number, not being less than two-thirds, of the members of the Committee present at the meeting at which such estimate was adopted, the Commissioner may, before approving of such estimate, make a communication to the Committee, bringing to their notice any alterations which it appears to him to be desirable to make in the details or total of such estimate;

and on receipt of such communication, the Committee shall proceed to reconsider such suggestions, and may either

(*a*) adopt such suggestions or any of them and revise their estimate accordingly, and, if necessary, the rate determined by them as that at which the cess shall be leviable during the coming year, and submit such revised estimate and rate for the sanction of the Commissioner; or

(*b*) may adhere to their original estimate, and resubmit it to the Commissioner with their reasons for adhering to the same.

(2.) On receipt of such estimate so resubmitted, the Commissioner may either sanction the estimate and rate as determined by the Committee, or may submit such estimate, together with the reasons recorded by the Committee for adhering to the same, to the Lieutenant-Governor.

When estimate is submitted by Commissioner, Lieutenant-Governor may pass orders thereon.

153. Whenever any such estimate shall be so submitted by the Commissioner, the Lieutenant-Governor may approve of such estimate, or pass such orders as he shall think fit, in respect to the alteration of the details or of the total of such estimate:

Provided that the Lieutenant-Governor shall not make any such alterations, or require the Committee to make any such alterations, as shall have the effect of raising the total of such estimate above the total of the sum estimated to be at the disposal of the Committee for expenditure during the year in question, the cess being levied at the rate which may have been determined for such year by the Committee under section 148, unless such rate shall in the opinion of the Lieutenant-Governor be insufficient to provide for the proper maintenance of such works as are contained in the statement prepared under section 141 or 143.

If it shall appear to the Lieutenant-Governor that the proceeds of the cess at the rate so determined will not suffice for such purpose, the Lieutenant-Governor may order that the cess shall be levied for the year in question at such rate as he may deem sufficient for such purpose, subject to the limit in section 6 provided.

Rate determined to be reported to Lieutenant-Governor.

154. When the estimate prepared and the rate determined by the Committee shall have been approved by the Commissioner under sections 150, 151 or 152, the rate so determined and approved shall be reported by the Commissioner to the Lieutenant-Governor, who shall forthwith cause the same to be published in the *Calcutta Gazette*.

Rate to be published in Gazette.

155. When the Lieutenant-Governor shall under section 153 have approved of any estimate submitted to him as provided by section 152 and of the rate determined by the Committee under section 148, or under clause (*a*) of section 152 in connection with such estimate, or when the Lieutenant-Governor shall under section 153 have ordered that the cess shall be levied at any other rate, the Lieutenant-Governor shall cause such rate as finally fixed by him to be published in the *Calcutta Gazette*.

Rate published to be rate in force for year.

156. The rate published in the said Gazette as provided in either of the last two preceding sections shall be the rate at which the road cess shall be leviable in the district for the year in respect of which such rate is so published, and the Collector of the district shall cause such rate to be published and proclaimed throughout the district and notice be given thereof as in section 40 is provided.

Estimates may be amended.

157. Any estimate prepared under section 146 and approved as hereinbefore provided may be amended or revised at any time with the sanction of the authority who originally approved of such estimate: provided that the total of the estimate of expenditure as amended shall not exceed the total of the sums estimated to be available for expenditure during the year.

CHAPTER X.—BRANCH COMMITTEES.

Branch Committees.

158. In any district to which this Act shall have been extended, the Lieutenant-Governor may, in addition to a District Road Committee, form as many Branch Committees as he shall think fit for carrying out the purposes of this Act, and shall appoint a Chairman and Vice-Chairman thereof respectively, and shall define the portion of such district within which any Branch Committee shall exercise the powers conferred and discharge the duties imposed upon them by this Act:

Provided that, whenever the office of Vice-Chairman of any Branch Committee shall become vacant, the Chairman thereof may, with the approval of the Commissioner, appoint any member of such Branch Committee to be Vice-Chairman thereof *ad interim* until the vacancy shall have been filled up by the Lieutenant-Governor.

Sections which apply to them.

159. The provisions of sections 112 to 117 (both inclusive), 119, 122 to 127 (both inclusive), 139 and 140, respecting District Road Committees, shall apply, so far as the same are applicable, to such Branch Committees.

160. The Lieutenant-Governor may remove the Chairman or Vice-Chairman of a Branch Committee whenever he shall think fit.

Chairman and Vice-Chairman of Branch Committee may be removed.

161. Every Branch Committee may from time to time select any member thereof to be an additional member of the District Road Committee, and such member shall thereupon, for the space of one year, become a member of the said Committee.

Member of Branch Committee may be additional member of District-Committee.

162. Every such Branch Committee shall be, except as hereinafter provided, subordinate to the District Road Committee, and shall forward to the Committee such statements, suggestions and estimates as it may think fit, and the Committee shall consider and have regard to such statements, suggestions and estimates in framing the statements and estimates hereinbefore directed.

Branch Committees' statements.

163. Any such Branch Committee may require that any such statement, suggestion or estimate shall be submitted to the Commissioner for his consideration and for that of the Lieutenant-Governor.

Branch Committee may require statement to be submitted to Lieutenant-Governor

164. The Lieutenant-Governor may in each year assign to any Branch Committee so much of the Road Fund levied for that year in the district, for portion of which such Branch Committee is appointed, as he may think fit, not exceeding the total estimated proceeds of the road cess leviable within the said portion of the district; and, further, may allot to the said Branch Committee so much of the income of the District Road Fund from other sources as he shall think fit.

Funds of the Branch Committee.

165. The Lieutenant-Governor may in any such case declare that the Branch Committee shall have the full powers of a District Road Committee within such portion of the district, and, whenever the Lieutenant-Governor shall so have declared, the District Road Committee shall, within such portion of the district, cease to exercise powers and functions under sections 133, 139, 141, 142, 143 and 146. Such powers shall then vest in the Branch Committee; and the provisions of sections 120, 121 (with the exception of clauses 2, 3, 4 and 6), 128, 142, 144 and 147, shall apply to the proceedings of such Branch Committee, provided that all correspondence with the Commissioner shall be submitted through the Collector of the district; in any case in which the Lieutenant-Governor may declare that a Branch Committee shall have the powers of a District Road Committee for specified works or specified purposes only, the powers of the District Road Committee in respect of such works and such purposes only shall cease within the said portion of the district, and such powers shall then vest in the Branch Committee.

Special powers of the Branch Committee.

Their estimates.

166. Every Branch Committee so vested with powers as in the last preceding section provided shall prepare an estimate in regard to their annual income and expenditure similar to that required by section 146 to be prepared by the District Road Committee.

Limit of estimates.

167. The provisions of sections 150, 151, 152, 153 and 157, shall, as far as they are applicable, apply to such estimate: provided that the aggregate amount to be expended by the Branch Committee in any year should not exceed the aggregate of the fund placed at their disposal for that year.

Lieutenant-Governor may assign functions of Chapter XI to Branch Committee.

168 The Lieutenant-Governor may at any time order that any of the functions hereafter mentioned or referred to in Chapter XI shall be discharged by any Branch Committee instead of by the District Road Committee in respect of any portion of the district for which such Branch Committee has been appointed.

Lieutenant-Governor may revoke order forming Branch Committee.

169. The Lieutenant-Governor may at any time revoke an order forming any Branch Committee or an order declaring that a Branch Committee shall exercise the full powers or any special powers of a District Road Committee.

CHAPTER XI.—*Disbursement and Accounts of the District Road Fund.*

Collector to prepare annual statement of the District Road Fund.

170. The District Road Fund shall be lodged with the Collector of the district, who shall keep a separate account thereof, and shall cause to be prepared an annual statement of such account, showing in detail therein all sums paid into and all disbursements made from the treasury on account of the District Road Fund during the year.

After the appointment of any Branch Committee in a district, the Collector of the district shall in like manner keep a separate account of the fund placed at the disposal of such Branch Committee.

Payments on account of the District Road Fund.

171. All payments on account of the District Road Fund shall be made by the Collector out of the said fund upon cheques signed by the Vice-Chairman for sums not exceeding one hundred rupees. When the Vice-Chairman is absent or from any cause incapacitated from signing, the Chairman may sign such cheques on behalf of the Vice-Chairman:

Cheques for sums exceeding one hundred rupees shall be signed by the Chairman and the Vice-Chairman. When the Vice-Chairman is absent or from any cause incapacitated from signing, such cheques shall be signed by any *ex officio* member of the Committee other than the Chairman, on behalf of such Vice-Chairman.

The word "Chairman" in this section includes any officer for the time being in charge of the office of Chairman under a written order from the Chairman.

Collector's

172. The Collector shall forward to the Vice-Chairman of every Committee,

as soon as possible after the close of each month, an account of his receipts and disbursements on account of the District Road Fund during such month.

monthly account.

173. Every Committee shall keep regular and detailed accounts of the moneys received or applied by them under the provisions of this Act and of their application, and such accounts shall be, at all convenient times, open to the inspection of all members of the Committee.

Accounts of Committee.

174. Every Committee shall appoint a standing Sub-Committee, consisting of the Vice-Chairman and not less than two other members, for the audit of their accounts; and the accounts of each month shall be laid before the Sub-Committee as soon as possible after the close of such month; whereupon the said Sub-Committee shall proceed to audit the said accounts in such manner as the Lieutenant-Governor may direct, and to pass or to amend and correct the said accounts as may be necessary, and to pass them as so amended and corrected.

Committee to appoint a Sub-Committee to audit accounts.

175. For the purposes of every audit and examination of accounts under this Act, such Sub-Committee shall have power to call for all vouchers and papers which they may require.

Sub-Committee may call for vouchers and papers;

176. When such Sub-Committee shall have audited and passed the accounts of any month as above provided, they shall certify the result and the correctness of the accounts as passed by them in such form as the Lieutenant-Governor may direct.

and certify correctness of accounts.

177. The accounts of each month, audited, passed and certified as in the last preceding section provided, shall be submitted by the Committee, not later than the twenty-fifth day of the following month, to such officer as the Lieutenant-Governor may direct.

Accounts to be submitted to officer directed by the Lieutenant-Governor.

178. As soon as possible after the close of each year, the Vice-Chairman of every Committee shall prepare a detailed account of the receipts and expenditure of the District Road Fund during such year; and also a report of the work done and in progress during such year, whether under the directions of the District Road Committee or of any Branch Committee other than a Branch Committee which has been vested with the full powers of a District Road Committee under section 165.

Vice-Chairman to prepare account of receipts and a report.

179. The annual accounts so prepared by the Vice-Chairman shall be examined and certified by the Sub-Committee of audit, and, after such examination and certification, shall be laid with the said annual report before a special meeting of the Committee to be held within two months of the close of such year; and the Committee shall submit a copy of the said account with a similar report to the Commissioner for transmission to the Lieutenant-Governor, who shall cause such accounts with an abstract of such report, together with such remarks as the Commissioner may have made thereon, to be published in the *Calcutta Gazette*.

Accounts to be certified by Sub-Committee and transmitted to Lieutenant-Governor.

The Committee may make bye-laws with approval of Lieutenant-Governor.

180. Every District Road Committee may from time to time make, and when made, alter, add to or cancel, bye-laws not inconsistent with the provisions of this Act, for all or any of the following purposes, that is to say:—

(1) regulating the traffic and providing for the safety and convenience of passengers on any road, water-channel or other means of communication under the charge of the Committee;

(2) providing for the preservation of such roads, water-channels and other means of communication, and of the trees planted by, or under the charge of, the Committee.

Fines.

On conviction before a Magistrate a fine may be imposed for the breach of any such bye-laws, provided that no fine exceeds for any offence the sum of ten rupees or, in the case of a continuing offence, the sum of two rupees for every day during which such offence is continued.

Any bye-law so made, and every alteration of, addition to and cancellation of such bye-law, shall require the sanction of the Lieutenant-Governor;

Bye-laws to be published in Gazette.

and, on such sanction being given, such bye-law shall be published in the *Calcutta Gazette* and in the vernacular of the district, as the Lieutenant-Governor may direct;

and on such publication such bye-law shall have the force of law.

CHAPTER XII.—*Miscellaneous.*

Lieutenant-Governor may give directions as to establishments, expenses, &c.

181. The Lieutenant-Governor may from time to time direct that such establishments shall be entertained, and such expenses incurred, in the offices of the Board of Revenue, of the Commissioners of Divisions and of the Superintending Engineers, in any other office of control, in any office of account and in any treasury, or that such special officers shall be employed and such expenses incurred by them, as may be necessary,

for the exercise of proper control over the proceedings of the Collectors and District Road Committees and Branch Committees in the discharge of their duties under this Act,

for the proper examination and checking of estimates furnished and accounts kept under this Act, and for the proper audit of such accounts,

and for the performance of the duties connected with the cash transactions of the District Road Committees:

and the Lieutenant-Governor may make rules providing for the recovery of the cost of the establishments so entertained, and the officers so employed, and of the expenses so incurred, from the several District Road Committees in such proportions as he may think fit: provided that the total amount which any District Road Committee is required to pay under this section shall not in any year exceed two per centum on the income of such Committee for such year.

PART IV.

CHAPTER XIII.—*General.*

Lieutenant-Governor empowered to prescribe forms and rules.

182. The Lieutenant-Governor may from time to time make, and when made, from time to time alter, add to or cancel, any rules not inconsistent with the provisions of this Act,

(*a*) regulating the performance of the duties of the District Road Committees and Branch Committees, and of all persons employed under this Act, and in regard to the qualification, appointment, election and discharge of such person;

(*b*) prescribing the authorities by whom the execution of works of different classes respectively may be authorized and sanctioned;

(*c*) prescribing forms for the estimates, accounts, reports and statements required by this Act, to be kept or made by the District Road Committee;

(*d*) prescribing forms of accounts to be kept by the Collector under this Act;

(*e*) providing for the submission and checking of any estimates or accounts and for the audit of such accounts as aforesaid;

(*f*) fixing the dates for payment of instalments of cess under sections 42 and 57;

(*g*) determining the amount of fees to be levied for supplying copies of proceedings of any District Road Committee or Branch Committee as provided in section 127;

(*h*) fixing the month in which the meeting mentioned in section 146 shall be held;

(*i*) and generally for the purposes of this Act.

Such rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

SCHEDULE A.

Form of Return prescribed by Section 14.

Amount of Government revenue or rent payable by the estate or tenure:

Rs. A. P.

PART I.

District

Name by which the estate or tenure is known, and the number which it

bears on the Collector's general register, or on any other register kept by the Collector—

Details of lands in the actual occupation or cultivation of the person submitting the return —

1	2	3	4	5
Pargana	Name of village and thána in which the lands are situate	Area of land	Deduct area of land situate within any municipality	Annual value of remaining land

NOTE —*Only nijjot lands and uncultivable unlet lands should be included in this Part*

PART II

District

Name and number of estate or tenure as in Part I

Details of lands held by cultivating raiyats paying direct to the persons submitting the return —

1	2	3	4	5	6	7
Pargana	Name of village and thána in which the lands are situate	Name of raiyat name of village thána and district in which he resides.	Area occupied	Annual rent	Deduct rent of land included in any municipality	Balance of net rent assessable

PART III

District

Name and number of estate or tenure as in Part I

Details of the tenure-holders paying to the person submitting the return —

1	2	3	4	5	6	7	8
Name of tenure holder and person paying rent for him borne on the books of holder of estate or tenure	Name of village thána and district in which such person resides	Name of village and thána in which tenure is situated.	Name of village and thána in which mal kachahri is situate	Area, if known	Annual rent paid by tenure holder	Deduct rent of land included in any municipality	Balance of net rent assessable

PART IV.

District

Name and number of estate or tenure as in Part I.

Details of lands included in the estate or tenure of the person submitting the return which are held by others than himself, but for which no rent is paid :—

1	2	3	4	5	6	7
Pargana in which situate.	Name of village and thána in which situated.	Name of holder, and owner, if known.	Name of village, thána and district in which the holder resides.	Area, if known.	Deduct area of land included in any municipality.	Annual value of remaining land.

I, *X. Y. Z.*, do declare that the statements contained in the above return are true to the best of my knowledge, information and belief.

Signed

N.B.—This return must be signed by the holder or his authorized agent, whose address must also be given.

SCHEDULE B.

FORM NO. I.

Form of notice upon a revenue-paying estate or rent-paying tenure under Section 17.

District of

NOTICE UNDER SECTION 17 OF THE CESS ACT, 1880.

THE holders of estate or tenure (*description to be filled in*) in the district of and all others interested therein are hereby required to lodge in the office of the Collector of the said district a return, in the form hereunto annexed, of all lands comprised in such estate or tenure and the rents paid therefor. Such return must be signed by such holder or his authorized agent, and be so lodged within the time mentioned below under a penalty of a daily fine which may amount to fifty rupees on each such holder for every day after the expiry of such time or of any extended time which may be allowed by the Collector on application made to him, until such return shall be lodged. Notice is hereby given that no rents due to the holders of the said estate (*or* tenure) can be recovered by suit after such time until such return be so lodged.

If the annual amount of revenue or rent payable on the estate or tenure to which this notice refers does not exceed Rs. 500, the holders are required to lodge the return within six weeks of the service of this notice.

If such amount exceeds Rs. 500, within three months of such service.

If for any good reason the holders will be unable to lodge the return within the time allowed, they should apply to the Collector for extension of such time.

(Sd.) A. B.,
Collector.

COLLECTOR'S OFFICE,
Dated

N.B.—To this notice shall be annexed forms of Parts I, II, III and IV of the return which is mentioned in Schedule A.

FORM No. II.

Form of notice upon a revenue-free estate or rent-free tenure under Section 17.

District of

NOTICE UNDER SECTION 17 OF THE CESS ACT, 1880.

THE holder of the revenue-free estate or rent-free tenure (*description to be filled in*) in the district of and all others interested therein are hereby required to lodge in the office of the Collector of the said district a return, in the form hereunto annexed, of all lands comprised in such estate or tenure. Such return must be signed by such holder or his authorized agent, and be so lodged within the time mentioned below under a penalty of a daily fine which may amount to fifty rupees on each such holder for every day after the expiry of such time or of any extended time which may be allowed by the Collector on application made to him until such return shall be lodged.

Notice is hereby given that no rents due to the holders of the said estate (*or* tenure) can be recovered by suit after such time until such return be so lodged.

If the gross annual rental of the estate or tenure to which this notice refers does not exceed Rs. 500, the holders are required to lodge the return within six weeks of the service of this notice.

If the gross rental exceeds Rs. 500, within three months of such service.

If for any good reason the holders will be unable to lodge the return within the time allowed, they should apply to the Collector for extension of such time.

COLLECTOR'S OFFICE, (Sd.) A. B.,
Dated *Collector.*

N.B.—To this notice shall be annexed forms of Parts I, II, III and IV of the return which is mentioned in Schedule A.

SCHFDULE C

Form of Notice under Section 33

District of

NOTICE UNDER SECTION 33 OF THE CESS ACT, 1880

. THE owner, chief agent, manager or occupier of (*give the name by which the concern or property is known*) situated in the district of is hereby required to lodge in the office of the Collector of of a return in the form hereunto annexed showing the amount of land under cultivation at the date of this return in the said

Such return must be signed by him and be lodged within the space of two months from the service of this notice (unless within the said two months such owner chief agent, manager or occupier obtain from the Collector an extension of the said space of two months), under penalty of a daily fine of fifty rupees for every day after the expiry of such period or extension thereof until such return shall be presented

Form of Return to be annexed to the n ti e

District

Details of lands acquired under any rules for the sale lease, grant or clearance of waste lands or held direct from Government and used f r the cultivation of tea, coffee or cinchona, under the control of the persons submitting the return —

1	2	3	4	5	6	7
Districts	Talukas	Designation by which the estate lot or grant is known and the number if be s on any register kept by the Collector	Name of owner agent manager or occup r	Entire area of land	Area or areas of lands under cultivation	Aggregate rate at Rs 10 per acre of land in column 6
in which the lands lie						

I, *X Y Z*, do declare that the statements contained in the above return are true to the best of my knowledge information and belief

Signed———

N B —This return must be signed by the owner, chief ag nt, manager or occupier

SCHEDULE D.

Form of notice under Section 52.

NOTICE TO HOLDERS OF LANDS HELD RENT-FREE UNDER SECTION 52 OF THE CESS ACT, 1880.

NOTICE is hereby given to all concerned that the lands specified in the annexed extracts from valuation-rolls of estates and tenures have been entered by the holders of such estates and tenures in the valuation-returns of their estates and tenures under the Cess Act, 1880, and have been valued as shown in the extracts.

Every owner and holder of any land entered in these extracts may appear before the Collector within one month of the publication of this notice, and may object to the amount at which his land has been valued.

If no such objection is made, the owners and holders of lands will be bound to pay year by year to the holder of the estate or tenure in which his land has been entered the amount of road cess and public works cess calculated on the annual value of such land as entered in these extracts at the full rate which may be fixed for the year in the district.

If any instalment of the cess due upon any of the lands included in these extracts is not paid to the holder of the estate or tenure on or before the date which the Lieutenant-Governor may fix for the payment of such instalment, the holder of the estate or tenure will be entitled to recover double the amount due with interest and all costs of suit.

SCHEDULE E.

Form of notice under Section 72.

District of

NOTICE UNDER SECTION 72 OF THE CESS ACT, 1880.

THE owner, chief agent, manager or occupier of the (*give the designation of the property*) situated in the district of , is required to lodge in the office of the Collector of the district of a return in the form hereunto annexed, showing the net profits of the calculated on the average of the profits of the last three years for which accounts have been made up. Such return must be signed by him or his authorized agent, and be lodged within the space of two months from service of this notice, unless within the said two months an extension of the time allowed is obtained from the Collector.

COLLECTOR'S OFFICE, (Sd.) A. B.,

Dated *Collector.*

Annexed Form of return

District

Detail of yearly profits of mines, quarries, railways and tramways or other immoveable property in the possession or under the control of the person submitting the return —

1	2	3	4
DISTRICTS	PARGANAS	Name of holder or manager	Annual net profits per annum on the average of the last three years for which accounts have been made up
in which the property lies			

I, *X Y Z*, do declare that the statements contained in the above return are true to the best of my knowledge, information and belief

Signed———

N B —This return must be signed by the owner, chief agent, manager or occupier

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SCHEDULE F

Form of notice under Section 99

District of

NOTICE UNDER SECTION 99 OF THE CESS ACT, 1880

THE occupiers, tenure-holders, under-tenants and raiyats on estate or tenure (*the estate, tenure or lands to be here clearly designated*) are hereby prohibited, until further order of the Collector, from making any payment of rent now or hereafter to become due from them in respect of any land comprised within such estate or tenure except to the Collector of the said district, or to (*name of person*) hereby appointed to receive the same. The Collector will grant receipts for all sums paid, and such receipts will, under the provisions of the above Act, be a valid discharge to the extent of the sums covered by such receipts, for rent due, or hereafter to become due, as above stated by the holders of such receipts All payments, except to the Collector, until further order, will be null and void

(Sd) A B,
Collector

ACT No I OF 1881.

Received the Lieutenant Governor's assent on the 3rd of March, 1881, and the Governor General's assent on the 10th of April, 1881

An Act to amend the Calcutta Port Improvement Act Amendment Act, 1880

Preamble

WHEREAS it is expedient to facilitate the raising of loans by the Commissioners for making Improvements in the Port of Calcutta in the manner contemplated by Bengal Act IV of 1880, and to further amend Bengal Act V of 1870 It is hereby enacted as follows —

Repeal of sections of Bengal Act IV of 1880

1 Sections 17, 18 and 19 of Bengal Act IV of 1880 are hereby repealed

Substitution of sections for sections 7, 8 and 10 of Bengal Act IV of 1880

2 For sections 7, 8 and 10 of the said Act IV of 1880, the following sections shall be substituted —

In case of default Government how to proceed

"7 In case of default of payment of any interest, the Secretary of State shall have the same remedies as may be available to other creditors of the Commissioners under this Act, but nothing in this Act shall be deemed to confer upon the said Secretary of State any prior or greater right than that conferred upon other creditors of the Commissioners under this Act

Power to repay before due date

"8. It shall be lawful for the Commissioners, if they think fit, out of any moneys which may come into their hands under the provisions of this Act, and which can be so applied without prejudicing the security of the other creditors of the Commissioners under this Act, to repay to the said Secretary of State any sum which for the time being may remain due to him under the provisions of this Act for principal, although the time fixed for the repayment of the same shall not have arrived provided that no such repayment shall be made of any sum less than ten thousand rupees, and that, if such repayment is made, the amount of interest in each succeeding half-yearly instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal"

Security for

"10. In such case it shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor of Bengal, to raise a loan or loans on the security of all or any portion of the property vested in or acquired by them under this Act, other than the said reserve fund or the sinking fund provided by section 11 of this Act, and of the total aggregate amount of the proceeds of all or any of the tolls, duties, rates and charges leviable under this Act, or on the security of all or any portion of such property or proceeds"

3 For the schedule annexed to the said Act IV of 1880 the following schedule shall be substituted —

Form of debenture under Bengal Act IV of 1880

"SCHEDULE (*referred to in Section 16*)

FORM OF DEBENTURE.

The Commissioners for making Improvements in the Port of Calcutta

The *18*

No.

"By virtue of the Act, No IV of 1880, of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled 'The Calcutta Port Improvement Act Amendment Act,' we, the Commissioners for making Improvements in the Port of Calcutta, in pursuance of the powers vested in us in sections 9, 10 and 12 of the above Act, and in accordance with the advertisement, dated , in consideration of the sum of Rs paid to us by promise to pay to the said or order the sum of Rs thirty years after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly on the day of and the day of . But if default shall be made for two consecutive half years in either the payment of the interest or making the necessary investments on account of the sinking fund, the loan shall at once become repayable

"(*Signatures of the Chairman or Vice- Chairman and two Commissioners*)"

4 For section 20 of the said Act IV of 1880, the following section shall be substituted —

Substitution of section for section 20 of Bengal Act IV of 1880.

"20 The Lieutenant-Governor of Bengal may, on the recommendation of the Commissioners from time to time, make such bye laws, consistent with this Act and with the Indian Ports Act, 1875, as he may think necessary for any of the following purposes (that is to say) —

Lieutenant-Governor empowered to make bye-laws

(*a*) for regulating, declaring and defining the wharves, quays, stages, jetties and piers on and from which goods shall be landed from and shipped in vessels within the port,

(*b*) for the safe and convenient use of such wharves, quays, stages, jetties and piers, and of landing-places, tramways, warehouses, sheds and other works in and adjoining the same,

(*c*) for regulating the reception and removal of goods within and from the premises of the Commissioners, and for declaring the procedure to

be followed for taking charge of goods which may have been damaged before landing, or may be alleged to be so damaged;

(*d*) for the mode of payment of tolls, charges, dues and rates levied under this Act;

(*e*) for the removal of wrecks from the port or the river, and keeping clean the port, the river, the bank of the river and the works of the Commissioners, and for preventing filth and rubbish being thrown therein or thereon;

(*f*) for regulating the hours during which European seamen and apprentices shipped on the same footing as European seamen may be employed on board ships lying in the port, or on wharves, quays, stages, jetties and piers in work necessitating exposure to the sun;

(*g*) for otherwise carrying out the purposes of this Act: and may, from time to time on the recommendation aforesaid, vary, alter or revoke any such bye-law so made by him.

"Previous to the making, alteration or revocation of any such bye-law, the recommendation of the Commissioners in respect thereof shall be published for three weeks successively in the *Calcutta Gazette*."

Increase in maximum number of Commissioners.

5. In section 2 of Bengal Act V of 1870, as amended by Bengal Act VII of 1871, the words "persons in number not more than thirteen nor less than nine" shall be substituted for the words "persons in number not more than twelve nor less than nine."

New section introduced after section 100 of Bengal Act V of 1870.

6. After section 100 of Bengal Act V of 1870, the following section shall be added:—

Commissioners may be appointed Receivers of Wreck.

"100A. The Commissioners shall, if and when appointed, under the provisions of section 73 of the Indian Merchant Shipping Act, 1880, to be Receivers of Wreck within the limits of their jurisdiction, exercise within such limits all the functions of a Receiver of Wreck under the said Act.

ACT No. II OF 1881.

Received the Lieutenant-Governor's assent on the 23rd of March, 1881, and the Governor General's assent on the 19th of April, 1881.

An Act to amend "The Cess Act, 1880."

Preamble.

WHEREAS it is expedient to amend "The Cess Act, 1880," passed by the

Lieutenant-Governor of Bengal in Council: It is hereby enacted as follows:—

1. In section 9 of "The Cess Act, 1880," for the figures "111" the figures "109" shall be substituted. Amendment of section 9 of "The Cess Act, 1880"

2. In section 10, after the words "public works cess," the words "and all interest paid thereon" shall be inserted. Amendment of section 10.

3. In section 13, after the words "in accordance with any valuation," the words "or revaluation" shall be inserted. Amendment of section 13.

4. After section 40 the following section shall be inserted, namely:— Introduction of new section after section 40.

"40A. Notwithstanding anything in the definitions of "estate" and "tenure" in section 4 or elsewhere in this Act contained, the Board of Revenue may direct that any land (other than the holding of a cultivating raiyat) of which the rent or revenue is payable directly to the Government as proprietor thereof, shall, for the purposes of this Part, be deemed to be a tenure and not an estate, and that the Government shall be deemed to be the holder of the estate within which such tenure is included, and thereupon the Collector may recover any sum payable from such tenure under the provisions of this Act, in the same manner and under the same penalties as if the same were arrears of rent or revenue due to him." Recovery of cess from tenures in Government estates.

5. In section 42, clause (1), for the words "for the payment of the instalments," the following shall be substituted:—"under the provisions of section 3 of Act XI of 1859, or of any similar Act at the time being in force for the payment of arrears." Amendment of section 42, clause (1).

6. In section 43, after the the word "proportionately," the words "to the land-revenue" shall be inserted. Amendment of section 43.

In clause 3 of the same section, for the words "the last preeding section," the words "this section" shall be substituted.

7. To section 44 the following clause shall be added:— Addition to section 44.

"(5) Whenever the separate account of the revenue payable in respect of any share or portion of an estate, as mentioned in clause 1 of this section, shall be closed, the provisions of this section shall cease to have effect in respect of such share."

8. In section 45, after the word "twelve," the words "and a half" shall be inserted. Amendment of section 45.

9. In section 46, clause (3), for the words "preceding section," the words "preceding clause" shall be substituted. Amendment of section 46.

10. In section 108, after the words "cesses under this Act," the words "not being interest levied in respect of public works cess" shall be inserted. Amendment of section 108.

Amendment of Schedule A Part I.

11 In the heading of column 3 of Part I Schedule A, after the word "land," the words "if known" shall be inserted

For the note which stands below Part I of the same schedule, the following note shall be substituted —

"NOTE.—In the body of this statement should be entered only rujot lands and such uncultivated lands in the use and occupation of the maker of the return as are capable of assessment on their annual value"

Amendment of Schedule A Part II

12 In the heading of column 4 of Part II, Schedule A, after the word "occupied," the words "if known" shall be added

Amendment of Schedule C

13 In the heading of column 7 of the form of return in Schedule C, for the word and figure "column 5," the word and figure "column 6" shall be substituted

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ACT No III OF 1881

Received the Lieutenant Governor's assent on the 9th of April, 1881, and the Governor General's assent on the 10th of May, 1881

An Act to amend "The Court of Wards' Act, 1879"

Preamble

WHEREAS it is expedient to amend "The Court of Wards' Act, 1879," it is enacted as follows —

Short title construction and commencement of Act

1 This Act shall be read and taken as part of "The Court of Wards' Act, 1879," and it shall come into force upon the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General

Amendment of section 17 of Act XI of 1859

2 In section 17 of Act XI of 1859, the words from the beginning of the section down to the words "eighteen years And" are hereby repealed

Amendment of sections 16 and 17 of Bengal Act IX of 1879

3 For sections 16 and 17 of Bengal Act IX of 1879, the following sections shall be substituted —

Establishments and expenses

"16 The Court may from time to time order such establishments to be entertained, and expenses to be incurred, as it shall consider requisite for the care and management of the persons and properties under its charge, for superintendence, for the audit of accounts and generally for all the purposes of this Act, and may order that such expenses inclusive of all salaries, gratuities and payments on account of the leave allowances of such establishments, be charged against any one or more properties for the purposes of which such establishments are, or have been, entertained, or such expenses have been incurred

General contribution for general purposes

"17 The Court may, in respect of such of the establishments and expenses referred to in the last preceding section as are in the judgment of the Court

of a general nature, direct that they shall be met by a general contribution from the properties in charge of the Court, to be levied in such manner and in such proportion as the Court may from time to time direct. It shall be, and shall be deemed always to have been, lawful to charge against any fund to which such general contribution may from time to time be, or have been, credited, any salaries, gratuities, leave allowances or pensions of officers and servants which the Lieutenant-Governor may order, or has already ordered, to be so charged."

Charges for pension and leave allowances.

4. For section 23 of the same Act the following sections shall be substituted (namely):—

Amendment of section 23.

"23. *Clause 1.*—Except as hereinafter provided by section 23 A, every estate, and, subject to the provisions of section 14 of Act XI of 1859, every share or part of an estate for which a separate account has been opened under section 10 or section 11 of the said Act, or under section 70 of Bengal Act VII of 1876, shall be exempt from sale for arrears of Government revenue which have accrued whilst such estate, share or part has been under the charge of the Court:

Estate under charge of Court exempt from sale.

"Provided that all such arrears of revenue shall be the first charge upon the sale proceeds of any estate, share or part which may be sold for any other cause than for such arrears of revenue.

"*Clause 2.*—If at the time when such estate, share or part ceases to be under the charge of the Court of Wards, an arrear of revenue is due on account thereof, the Collector may attach such estate, share or part and collect the rent, cesses and other demands due, and all arrears thereof, managing such estate, share or part either directly or through a manager, or by farming it for a period not exceeding five years, as he may think fit:

Recovery of arrears of revenue due at time when estate ceases to be under charge of Court.

"Provided that, when such estate, share or part has been attached under the provisions of this clause, the proceeds shall be paid to the Collector, and the Collector, after deducting the claims of Government for revenue and other public demands, together with any interest which has accrued upon such public demands other than Government revenue, and the charges of management, due up to the date of making such deduction, shall release such estate, share or part from attachment and pay any balance of the proceeds still remaining in his hands to the proprietor of such estate, share or part or to his duly constituted agent, and shall furnish such proprietor or agent with an account of the receipts and expenditure extending over the time when such estate, share or part was under attachment.

"23A. Notwithstanding anything in clause 5, section 8, Regulation I of 1793, or in section 23 of this Act contained, any estate, share or part of an estate on which an arrear of revenue has accrued while under the charge

Conditions under which estate may be sold for arrear of revenue

accrued under Court.

of the Court, may at any time be sold under the provisions of the law for the time being in force for the recovery of arrears of Government revenue, if the Court has certified in writing that the interests of the ward require that such estate, share or part be so sold, and has stated in such writing the reasons upon which it has arrived at such conclusion."

Amendment of sections 48 and 49.

5. The following sections shall be substituted for sections 48 and 49 of the same Act:—

Application of moneys received by Manager.

"48. All money received by the Manager shall be applied to the purposes hereinafter mentioned in accordance with such instructions as the Court may from time to time give in that behalf. Unless the Board of Revenue shall specially otherwise direct, priority shall be given to the purposes included under Class I over those included in Class II, and priority shall be given to the purposes included in Class II over those included in Class III.

"CLASS I.

"The payment of all charges necessary for the maintenance, education and religious observances of the ward and his family,

for the management and supervision of the property of the ward,

and the discharge of the instalments of Government revenue and of all cesses and other public demands from time to time due in respect of such property or any part of such property.

"CLASS II.

"The payment of all rents, cesses and other demands due to any superior landlords in respect of any land held on behalf of the ward,

the liquidation of debts payable by the ward,

the payment of all expenses which may be necessary to protect the interests of the word in the Civil Courts or otherwise,

the maintenance in an efficient condition of the estates, buildings and other immoveable property belonging to the ward, and

the payment of such religious, charitable and other allowances as were paid out of the proceeds of the property before it came under the charge of the Court, and such allowances and donations befitting the position of the ward's family as the Court may authorize to be paid.

"CLASS III.

"The improvement of the land and property of the ward, and the benefit of the ward and his property generally:

Amount to be expended on improvement.

"Provided that the amount expended for such improvement and benefit in any one year shall not exceed ten per centum of the surplus which the accounts

of the previous year may show to have been available after paying or making provision for the payment of all expenses incurred up to the end of such previous year, unless, in the opinion of the Court and of the Lieutenant-Governor, it is desirable for the protection or in the interests of the ward or his property to expend an amount exceeding such percentage

Surplus to be, male ver to female and major whose property remains under the charge of the Court.

"49 If the ward is a female of sound mind, who has completed her age of twenty-one years, or a male who has completed his age of twenty-one years, whose property remains under the charge of the Court with his consent under section 11, no part of the surplus mentioned in the proviso to the section immediately preceding shall be expended by the Court otherwise than in the liquidation of debts or in the improvement of the lands or property as aforesaid

"Any portion of such surplus remaining after provision has been made for such purposes shall be paid to such ward

"Provided that, before paying any portion of such surplus to such ward, the Court may deduct therefrom and retain at its disposal any sums which it may consider necessary to retain—

"(1) as a working balance for the management of the property and expenses incidental thereto;

"(2) in order to make provision for any special charges which are expected to become payable on account of the property, and which probably cannot be met from the expected surplus of the following years"

Amendment of section 50

6 In section 50 of the same Act, for the word "person" the word "male" shall be substituted, and for the word and figures "section 49" the word and figures "section 48" shall be substituted

Amendment of section 55

7 In section 55 of the same Act, after the words "shall be brought on behalf of any ward," the words "by a manager" shall be inserted

Amendment of section 58

8 To section 58 of the same Act, the following words shall be added (namely) —

"Provided that the Collector may release any person who has been so imprisoned on his furnishing sufficient security for his attendance and for the delivery of the accounts or property required within such time as the Collector shall think fit The Collector may at any time rescind such order of release, and direct that effect shall be given to the previous order of imprisonment"

New section introduced between sections 58 & 59 Penalty for neglecting to furnish accounts, &c

9 The following section shall be inserted between section 58 and section 59 of the same Act —

"58A Any farmer holding or having held lands under the Court who, upon notice served upon him to that effect at any time during the currency of the lease or within six months after the expiry of the lease under which such lands were held or after he has relinquished such lands omits or refuses

to furnish accounts or produce documents or papers required under such notice, and shall not show sufficient cause for such omission or refusal, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees, for such omission, and the Collector may impose such further daily fine as he may think proper, not exceeding twenty rupees for each day during which such farmer shall omit to furnish the accounts, documents or papers required after a date to be fixed by the Collector in a notice warning the farmer that such further daily fine will be imposed,

"Such notice shall be served by tendering to the person to whom it may be directed a copy thereof, attested by the Collector, or by delivering such copy at the usual place of abode of such person or to some adult male member of his family; or in case it cannot be so served, by posting some copy upon such conspicuous part of the usual or last known place of abode of such person, and in case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such a way as the Collector issuing the notice may direct, and the date fixed by such notice shall not be less than fifteen days after service thereof.

"The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section, notwithstanding that an appeal against the order imposing such fine may be pending:

"Provided that, whenever the amount levied under such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such find shall be made otherwise than by the authority of the said Commissioner."

New section substituted for repealed section 63. Recovery of interest on arrears of rent.

10. Instead of the repealed section 63 of the same Act, the following section shall be read (namely):—

"63. Any amount of interest which has accrued due on arrears of rent or other demand recoverable as rent payable to the manager of an estate which is in charge of the Court may be recovered in any manner and by any process according to which such arrears may be recovered under any law for the time being in force, and any court or officer who is competent to make an order or certificate in execution of which such arrears or other demand are recoverable, may direct that any costs incurred by the manager in obtaining such order or certificate, and in executing the same, shall be recovered in the same manner and by the same process as if the amount thereof had been included in the said order or certificate."

New section introduced after section 65. Recovery of

11. After section 65 of the same Act the following section shall be inserted (namely):—

"65 A. Any expense incurred by the Court on account of any property

under its charge may, after the release of such property, be recovered as a demand under Bengal Act VII of 1880, or any other Act at the time being in force for the recovery of public demands from any person into whose possession such property or any part thereof may have passed immediately after the release by the Court of such property: Provided that the sum so recovered from any such person shall not be greater than the value of any such property which so passed into the possession of such person."

expense incurred on account of property in charge of Court.

ACT No. IV OF 1881.

Received the Lieutenant-Governor's assent on the 9th of April, 1881, and the Governor General's assent on the 23rd of May, 1881.

An Act to amend "The Bengal Excise Act, 1878."

WHEREAS it is expedient to amend "The Bengal Excise Act, 1878": It is enacted as follows:—

Preamble.

1. This Act may be called "The Bengal Excise Act Amendment Act, 1881."

Short title, construction and commencement of Act.

It shall be read with and taken as part of "The Bengal Excise Act, 1878," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

2. Section 64 of "The Bengal Excise Act, 1878," is hereby repealed.

Repeal of section 64 of Bengal Act VII of 1878.

3. In section 4, after the definition of "exciseable article," the following shall be inserted, namely:—

Amendment of section 4.

"'Foreign exciseable article' means any exciseable article manufactured or produced at any place beyond the limits of British India, or at any place in British India in which no duty of excise is levied upon the manufacture or production of such article."

4. In the last clause of section 9, for the words "and permit the manufacture of such liquors in distilleries established under section 7," the following shall be substituted:—

Amendment of section 9.

"Nothing in this section or in section 7 shall be held to debar the Collector, with the sanction of the Board, from granting a licence for the manufacture of spirituous liquors after native processes in a distillery established under section 7."

5. After section 17, the following section shall be inserted, namely:—

Introduction of new section after section 17.

"17A. The Board, with the sanction of the Local Government, may, from time to time, declare, by a notification published in the *Calcutta Gazette*, in

Prohibition respecting certain

foreign exciseable articles.

respect of any foreign exciseable article, except spirituous and fermented liquors imported by sea and kept only for private use and consumption and not for sale—

"(1) that the possession of such foreign exciseable article is absolutely prohibited in any quantity whatsoever in the districts or tracts specified in the notification, or

"(2) that such possession shall be limited to specified quantities unless the Collector or other officer duly authorized in that behalf shall grant a license for the possession of a larger quantity of such article. The Board may, from time to time, if it think fit, fix the fee or duty payable for such license."

Amendment of section 19.

6. In section 19, after the words "beyond the limits of British India," shall be inserted the words "or at any place in British India in which no duty of excise is levied upon its manufacture."

Amendment of section 58.

7. In section 58, the words "for sale" shall be omitted, and for the last clause of the section the following words shall be substituted, namely :—"shall be liable for every such offence (the provisions of section 17 notwithstanding) to a fine not exceeding five hundred rupees."

Amendment of section 61.

8. For the second clause of section 61 the following shall be substituted :—

"Nothing contained in the first clause of this section or in section 17 applies to any spirituous or fermented liquors imported by sea which any person may have in his possession for his private use and consumption and not for sale."

Introduction of new section after section 61.

9. After section 61 the following section shall be inserted, namely :—

Penalty for being found in possession of foreign exciseable article in contravention of prohibition.

"61A. Any person who, in contravention of any notification issued under section 17A, is found in possession of any foreign exciseable article, or of a larger quantity of any such article than is permitted under such notification, shall be liable to a fine not exceeding five hundred rupees."

Amendment of section 75.

10. In the first clause of section 75, for the words "shall be liable to seizure and confiscation by an officer duly empowered in that behalf," the following shall be substituted, namely :—"shall be liable to seizure by an officer duly empowered in that behalf, and to confiscation."

Amendment of section 82. Power to exempt exciseable articles from provisions of Act.

11. For section 82 the following section shall be substituted, namely :—

"82. The Local Government may, by notification in the *Calcutta Gazette*, within any specified tract of country, exempt any exciseable article or foreign exciseable article from all or any of the provisions of this Act, and may from time to time, by a like notification, cancel such exemption."

ACT No V OF 1881

Received the Lieutenant Governor's assent on the 30th of March, 1881, and the Governor General's assent on the 5th of July 1881

An Act to provide for the appointment of a Burial Board in Calcutta and its Suburbs.

Preamble

WHEREAS it is expedient to make better provision for the general management, regulation and control of the Government burial-grounds in the town of Calcutta and its suburbs, it is hereby enacted as follows —

Short title, and commencement of Act

1 This Act may be called "The Calcutta Burial Board's Act, 1881," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General

Lieutenant-Governor may appoint a Burial Board

2 The Lieutenant-Governor of Bengal may, by a notification published in the *Calcutta Gazette*, appoint a Burial Board for the town and suburbs of Calcutta

Constitution of Board

3 The Board shall be constituted as follows —

The Chairman of the Calcutta Corporation,

The Health Officer of Calcutta,

An officer of the Public Works Department, to be appointed by the Lieutenant-Governor of Bengal,

The Senior Chaplain of St John's Church in Calcutta,

A clergyman of the Church of Rome, to be nominated by the Archbishop and Vicar Apostolic of Western Bengal,

A Protestant Non-conformist Minister, to be nominated by the Lieutenant-Governor of Bengal,

Not less than three and not more than six other members to be nominated by the Lieutenant-Governor of Bengal

The Lieutenant Governor of Bengal may from time to time relieve any member of the Board nominated by him of his functions as such member

Chairman to be appointed by Lieutenant-Governor

4 The Chairman of the Board shall be nominated by the Lieutenant-Governor of Bengal

Lieutenant-Governor may place Government burial grounds under the Board

5 The Lieutenant-Governor of Bengal may, by a notification published in the *Calcutta Gazette*, place under the control of the Board all or so many of the Government burial-grounds (not being military burial grounds) situate in the town or suburbs of Calcutta as to him shall seem fit, and the general management, regulation and control of such burial-grounds shall, subject to the provisions of this Act, be thereupon vested in and exercised by the Board.

Board to receive and account for fees and grants.

6. The Board shall receive all fees and other moneys paid or given in respect of the use of such burial-grounds and the erection of monuments therein, and such grants as Government may from time to time place at their disposal, and shall pay thereout all charges and expenses incurred by them in the management of the same, and shall submit accounts of such receipts and expenditure once in every year to the Lieutenant-Governor of Bengal in such form and manner as the Lieutenant-Governor may direct.

Board may appoint subordinate establishments.

7. The Board may from time to time appoint all such overseers, clerks, subordinate officers and servants as they shall think necessary and proper to assist in carrying out the purposes of this Act, and may from time to time remove any of such persons and appoint others in their place.

Power to make rules.

8. The Board may, with the sanction of the Lieutenant-Governor of Bengal, from time to time make such rules, consistent with the purposes of this Act, as they may think necessary for any of the following purposes; that is to say:—

(*a*) for regulating the times when the Board shall meet and the procedure to be observed at such meetings;

(*b*) for securing the preservation, repair, or removal of existing monuments, and for regulating the dimensions and erection of new monuments in any burial-ground under their charge;

(*c*) for regulating the mode of payment of fees, charges, and other dues in respect of interments in any such burial-ground and for the expenditure of the same;

(*d*) for directing the manner in which and the persons by whom all works within any such burial-ground shall be executed; and

(*e*) for otherwise carrying out the purposes of this Act;

And may from time to time, with the sanction aforesaid, vary, alter or revoke any such rules so made. All rules so made and variations, alterations or revocations of rules shall be published in the *Calcutta Gazette*.

Power to withdraw burial-grounds from control of Board.

9. The Lieutenant-Governor of Bengal may in his discretion at any time withdraw any burial-ground from the control and management of the Board.

Provision for making over private cemeteries to charge of Board.

10. It shall be lawful for the proprietors of any Christian burial-ground, with the sanction of the Lieutenant-Governor of Bengal, to place the same under the management, regulation and control of the Board on such terms and conditions as the Lieutenant-Governor may approve: and such burial-ground shall thereupon be managed in all respects as a Government burial-ground subject to the provisions of this Act.

ACT No VI OF 1881

Received the Lieutenant-Governor's assent on the 9th of April, 1881, and the Governor General's assent on the 13th of September, 1881

An Act to amend "The Calcutta Municipal Consolidation Act, 1876"

WHEREAS it is expedient to amend Bengal Act IV of 1876, It is hereby enacted as follows —

Preamble

1 This Act may be called "The Calcutta Municipal Consolidation Act Amendment Act, 1881"

Short title

It shall be read with and taken as part of Bengal Act IV of 1876, and it shall come into force (except as hereinafter provided) from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General

Construction and commencement of Act

2 In section 3, the following shall be inserted after the definition of "The Commissioners" —

Definition of "Town Council"

"'Town Council' means a General Committee of the Commissioners appointed for the consideration of such matters as the Commissioners may think fit to refer to such General Committee"

3 To section 27, clause (1), the word and figures "and 337A" shall be added

Amendment of sections 27.

In clause (2) of the same section, for the word "section" the word "sections" shall be substituted

4 In section 39, after the words "officers and servants," the following shall be inserted (namely) —"not being pensions otherwise provided for under section 162A"

Amendment of section 39

5 In section 54, for the words "shall be made," the following words shall be substituted (namely) —"unless made by the Commissioners in meeting other than an ordinary meeting, shall be concluded"

Amendment of section 54.

6 For section 55, the following section shall be substituted (namely) —

New section substituted for section 55

"55 The Commissioners in meeting may, from time to time, appoint, from among the Commissioners, a Town Council and so many Committees of a special nature, consisting in each case of such number of persons as they may think fit, for the purpose of enquiring into, and reporting upon, any matter connected with the conservancy or improvement of the town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties which, in the discretion of the Commissioners, would be better regulated or managed with the advice and aid of such Town Council or Special Committee

Appointment of Town Council and Special Committees.

"Provided that the Chairman or Vice Chairman shall be a member of every such Town Council or Special Committee, and that the proceedings of the Town Council and every such Special Committee shall be submitted to the Commissioners at a meeting

"Provided also that in cases where the Chairman and the majority of the Town Council or Special Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting'

Amendment of section 56

7 In section 56, for the words "at the quarterly meeting to be held in the month of October," the words "at a Special General Meeting to be held in the month of November" shall be substituted

Substitution of new section for section 64 Rates to be fixed at a Special General meeting in December

8 For section 64, the following section shall be substituted (namely) —

"64. At a Special General Meeting to be held in the month of December, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the Special General Meeting held in the next succeeding month of December, except by a resolution passed by the Commissioners at a Special General Meeting"

Substitution of new section for section 77 Penalty for exercising trade or profession without license

9 For section 77, the following section shall be substituted (namely) —

"77 Whoever exercises any trade, profession or calling without the license required by section 75 shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, and unless the amount so payable shall have been paid before conviction, not being less than such amount And such fine shall, when levied, be taken in full satisfaction of the demand on account of such license"

Amendment of section 79

10 In section 79, after the word "informed," the words "by printed notice" shall be inserted

Amendment of section 94.

11 In section 94, after the word "lighting-rates," the words "and night-soil fees" shall be inserted

Amendment of section 95

12 In section 95, after the word "rates," the words "or fees" shall be inserted

Amendment of section 96

13 In section 96, after the word "lighting rates," the words "and night-soil fees" shall be inserted

In the same section, after the word "rates," the words "and fees" shall be inserted

Introduction of new section after section 103 Occupier of

14 After section 103, the following section shall be inserted (namely) —

"103A The Commissioners may require the occupier of any house or land

to furnish them with the name and address of the owner of such house or land, and such name and address when so received shall be duly entered in the 'assessment book' kept under section 108.

House or land may be required to furnish name of owner.

"If the occupier of any house or land shall refuse or neglect to furnish the information so required of him, he shall be liable to pay the rates payable by the owner on account of such house or land, and on non-payment thereof, the Commissioners may recover the same by distress and sale of any moveable property found in the house or on the land.

On failure, occupier liable to owner's rates.

"Provided that no arrear of rate which has remained due from the owner of any house or land for more than one year, shall be so recovered from the occupier thereof."

15. After section 160, the following section shall be inserted (namely) :—

Introduction of new section after section 160.

"160A. The Local Government may determine what portion, if any, of the environs of the town shall be included in the said system of water-supply, and may declare the boundaries thereof in the *Calcutta Gazette*, and for the purposes of the water-supply, the land within such boundaries, as aforesaid, shall be deemed to be part of the town.

Extension of water-supply to the suburbs, and levy of water-rate therein.

"Provided that the Commissioners may, with the sanction of the Local Government, assess a separate and distinct water-rate upon any such portion of the environs, not being more than the maximum rate leviable under this Act. The Commissioners may require the Commissioners of any Suburban Municipality to arrange for the assessment and collection of the water-rate within any tract belonging to such Municipality, and in that case the Suburban Commissioners shall have all the powers of the Commissioners for the purposes of such assessment and collection."

16. After section 162, the following section shall be inserted (namely) :—

Introduction of new section after section 162.

"162A. The Police budget may, if the Local Government, with the previous sanction of the Governor General in Council, shall so direct, include a charge for pensions payable under the orders and rules of Government to all officers and servants on whose behalf provision for the payment of salary has ordinarily been made in such budget, and who may retire from service after the commencement of this Act; such charge shall be payable by the Commissioners, but shall not exceed three-fourths of the total of such pensions.

Contributions towards pension of officer and servants mentioned in Police budget.

"Provided always that the salary of the Commissioner of Police, one-third of the salary of the Deputy Commissioner of Police, and the salaries of all officers and servants who, being members of the Police force, are not entitled to the benefit of the Uncovenanted Service Pension Rules, shall not be taken

as qualifying for pensions chargeable to the Commissioners under this section"

Introduction of new section after section 242
Mode of recovering fees

17 After section 242, the following section shall be inserted (namely) —

"242A All fees which shall be payable under any license granted under the last preceding section shall be recoverable from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI"

Amendment of section 244

18 In section 244, clause 2, after the words "said fees" the following words shall be inserted —

"shall be payable in advance on the first of April, the first of July, the first of October, and the first of January for the current quarter, and"

Amendment of section 257

19 In section 257, for the words "being within any private enclosure," the words "whether within any private enclosure or not" shall be substituted

Amendment of section 277

20 In section 277, after the words "Commissioners may" the words "within fourteen days of the receipt of such notice by them" shall be inserted

Introduction of new section after section 283
Power to purchase land for improvement and resell or lease in unhealthy areas

21 After section 283, the following section shall be inserted (namely) —

"283A Notwithstanding anything in the three sections immediately preceding contained, the Commissioners, upon receipt of the report prescribed under section 280, may, at a meeting other than an ordinary meeting, pass a resolution to the effect that the land upon which the block of huts mentioned in such report is situate, is an unhealthy area, and that, in the opinion of the Commissioners, the acquisition of the land, either by purchase or lease, is necessary for the purpose of making the requisite improvements thereon, and shall proceed to make a scheme for the improvement of such land and shall forward such scheme, accompanied by such plans and particulars as shall be necessary for a due understanding of the same, together with a copy of such resolution for the consideration and sanction of the Local Government

"The Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, acquire such land or any part thereof by purchase or lease, and for the purposes of such acquisition the provisions contained in Chapter XIV, Part II, shall apply

"When the sanction of the Local Government has been accorded to any scheme for the improvement of any land acquired by the Commissioners as above provided, the Commissioners, at a meeting other than an ordinary meeting, may sell or let any part of the acquired land to any person for the purpose and under the condition that he will, as respects the lands so pur-

chased by or leased to him, carry out such scheme, and in particular they may insert, in any grant or lease of any part of the land which may be intended for building sites, provisions binding the grantee or lessee to build thereon, in such manner and within such period of time, as in the grant or lease prescribed, and to make provision for the sanitation and conservancy of the land and the dwellings built thereon to the satisfaction of the Commissioners.

"The Commissioners may, instead of selling or letting the land acquired by them as aforesaid, engage with any person to carry out the whole or any part of any duly sanctioned scheme of improvement upon such terms as the Commissioners may think expedient, or may themselves undertake to carry out such scheme.

"All expenditure incurred by the Commissioners under this section, in connection with the preparation of any scheme of improvement, the acquisition by purchase or lease of any lands for the purposes of any such duly sanctioned scheme, or the carrying out of any such scheme, shall be deemed to be expenditure to which the municipal funds are applicable under section 26.

"For the purchase of any land acquired under this section, and the blocks of huts or other buildings standing thereon, and for otherwise carrying out any duly sanctioned scheme for the improvement of any such land, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the Local Government, from time to time, borrow on the security of the rates, taxes, and dues imposed and levied on account of the municipal fund, or a portion of them, and at such rate of interest, and upon such terms as to the time of repayment and otherwise as the Local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

"The Commissioners shall be bound to sell or lease such land in the manner aforesaid, or themselves to carry out such sanctioned scheme of improvement as is above described within the term of two years from the date of their purchase or lease of such land, unless the Local Government shall specially extend such term. But it shall not be lawful for the Commissioners, without the special sanction of the Local Government, to keep in their own possession any land purchased or leased by them under this section for more than five years from the date of the completion of its reclamation and improvement under the provisions of this section, or for more than seven years from the date of its purchase or lease by them."

Amendment of section 292.

22. In section 292, for the words "market, building, shop, stall or place used for the sale," the words "market, building, shop, stall, boat, vessel, wharf, godown or other place used for the storage or sale" shall be substituted.

Amendment of section 295. Registry of shops for sale of drugs re-

23. For section 295, the following section shall be substituted (namely):—

"295. (1) No shop or place shall be kept for the retail sale of drugs recognized by the British Pharmacopœia, not being also articles of ordinary

rogn zed by British Pharmacopœia

domestic consumption, unless the same shall have been registered in the office of the Commissioners Any keeper of such shop or place failing to register the same within two months of the passing of this Act, or within two months from the date of the establishment of such place, shall be liable to a fine not exceeding one hundred rupees The Commissioners shall, upon registration, grant the keeper of such shop or place a license, which he shall be bound to display in some conspicuous part of his premises

"(2) No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules to be hereafter made for that purpose by the Local Government

"(3) Any person not being a holder of such certificate, who shall compound mix, prepare or sell any drugs in any such registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each offence and any owner, occupier or keeper of any such shop or place who shall employ any such uncertified person to perform any one or more of such duties shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and shall be further liable, at the discretion of such Magistrate, to forfeit his license

"Provided that the provisions contained in clauses (2) and (3) of this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the *Calcutta Gazette* by the Local Government

"Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines, whether these are recognised by the British Pharmacopœia or not, when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription"

Amendment of section 296

24 For the first clause of section 296, the following clause shall be substituted (namely) —

Inspection of drugs

"The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold and if they have reason to suspect that any drug in the said place is adulterated, or by reason of age, or the effect of climate, has become inert or unwholesome, or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation or to render it noxious, may remove the same on giving a receipt specifying the nature and quantity of the drug removed and its approximate value, and if it appear to a Justice of the Peace that the said drug removed as aforesaid is adulterated, or has become inert, unwholesome or deteriorated as aforesaid, he may order

the same to be destroyed or to be so disposed of as to him may seem fit. If it shall appear to the said Justice that the drug so removed is not adulterated or has not become inert, unwholesome or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation, not exceeding the actual loss which has been sustained, as such Justice may think proper."

Compensation if drug be no adulterated, &c.

25. To section 297, the following words shall be added :—

Amendment of section 297.

"and the owner or occupier of any such place, who shall omit to register the same, shall be liable to a fine not exceeding one hundred rupees."

26. After section 310, the following section shall be inserted (namely) :—

Introduction of new section after section 310.

"310A. The Commissioners shall, from time to time, grant licenses to persons applying for such, for the sale, at burning-grounds, of fuel and other articles used for the cremation of dead bodies, and shall in meeting, other than an ordinary meeting, prescribe a scale of rates for the sale of such articles; and any person not so licensed who shall, within three hundred yards of any such burning-ground, sell or offer for sale any such fuel or other articles, shall be liable to a fine not exceeding fifty rupees.

Power to license fuel shops at burning-grounds.

"The Commissioners may, on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted, who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall, at the discretion of the Commissioners, be liable to have his license cancelled, and shall also be liable to a fine not exceeding ten rupees.

"The Commissioners shall not be bound to grant a fresh license to any person whose license may have been revoked, withdrawn or cancelled under the provisions of this section."

27. In the penultimate clause of section 337, for the words "and all moneys and securities now held by any Trustees for the Commissioners, for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared," the following words shall be substituted and be deemed to have been always the words of the Act :—

Amendment of section 337.

"and all moneys and securities now held by any Trustees for the Commissioners, for the purpose of paying off any sums borrowed by them, not being sums borrowed from the Secretary of State for India in Council, shall be held by them upon the trusts hereinbefore declared."

28. After section 337, the following section shall be inserted (namely) :—

Introduction of new section after section 337.

"337A. The Commissioners, after providing for all payments directed

Provision as

to re-payment of certain future loans.

under section 337, and for any stipulated payments to any sinking or reserve fund held by them or their Trustees against sums borrowed under section 334, shall set aside yearly, out of their annual income, in respect of all sums borrowed by them after the first day of April, 1881, for the purpose of carrying out or extending the water-supply and drainage schemes, a sum of not less than one per cent. on the net amount of all such loans outstanding on the first day of January of each year: that is to say, a sum of not less than one per cent. on the total amount of such loans, after deducting therefrom the total sum accruing from such one per cent. reservations during the year preceding such first day of January, and shall appropriate the said sum of one per cent., so far as it is required or will extend, to repay the amounts, if any, of such loans, as shall fall due in the course of the year.

"And they shall invest the surplus (if any) of the said sum, after repayment as aforesaid; or in case there has not been any amount due or paid in respect of such loans during the year, then they shall invest the whole of the said sum in Government securities or in any securities guaranteed by Government, or in Calcutta Municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department and the Accountant-General of Bengal, respectively, for the time being to be by them held in a separate account as Trustees for the purpose of repaying at due date, from time to time, the loans contracted by the Commissioners for the purposes afore-mentioned after the said first day of April, 1881."

Amendment of section 339.

29. In section 339, for the words "under section 337" the words "under section 337, or section 337A, respectively," shall be substituted.

Amendment of section 374

30. For the first clause of section 374, the following shall be substituted (namely):—

Certain provisions of Act may be extended.

"If the Local Government shall have determined that any portion of the environs of the town shall be included in the system of sewerage and drainage, or in the water-supply authorized by this Act, and if the Local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then, in respect of such extension of such system of sewerage and drainage, sections two hundred and fifteen to two hundred and thirty-four, both inclusive, and in respect of such extension of such water-supply, sections one hundred and twenty-nine to one hundred and sixty, both inclusive, shall have effect within the boundaries so declared."

Amendment of schedule 4.

31. In the fourth schedule, for the words "(Signature of the Chairman, Vice-Chairman or Secretary)," the words "(Signature of the Chairman, Vice-Chairman, Secretary or Assessor)" shall be substituted.

PART III

ACTS OF THE GOVERNOR GENERAL IN COUNCIL AND REGULATIONS UNDER THE STATUTE 33 VIC, C 3, APPLYING TO ASSAM.

THE PRISONS ACT 1870

ARRANGEMENT OF SECTIONS

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ACT No. XXVI OF 1870.

Received the Governor General's assent on the 3rd of October, 1870.

An Act to amend the law relating to Prisons.

Preamble.

Whereas it is expedient to amend the law relating to prisons in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces and British

Burma, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

Short title.

1. This Act may be called "The Prisons' Act, 1870:"

Local extent.

It extends only to the territories respectively under the government of the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burma.

2. [*Repealed by Act No. XII of 1873.*]

Interpretation-clause. "prison;"

3. In this Act—

"prison" means any gaol or penitentiary, and includes the airing-grounds or other grounds or buildings occupied for the use of the prison;

"criminal prisoner;"

"criminal prisoner" means any prisoner charged with or convicted of a crime;

"civil prisoner."

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison-accommodation.

4. The Local Government shall provide for the prisoners in the territories under such Government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners.

5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

Inspector General of Prisons.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by the Local Government, in the Panjáb by the Local Government, and in Oudh, the Central Provinces and British Burma, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

Officers of prison.

7. For every prison there shall be a superintendent, a medical officer (who may also be the superintendent), a gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a deputy medical officer and a deputy gaoler.

Appointment of officers.

8. The Local Government shall appoint the superintendent and the medical officer and the deputy medical officer.

The superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the gaoler and deputy gaoler.

The superintendent shall also appoint the subordinate officers.

Salaries, suspension and dismissal of officers.

9. Every officer appointed under this Act shall receive such salary as (subject to the approval of the Governor General of India in Council) the Local Government directs; and may be suspended or dismissed by the authority appointing him:

Provided that no gaoler or deputy gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

CHAPTER III.—Duties of Officers.

Generally.

Officers to obey superintendent.

10. All officers of a prison shall obey the directions of the superintendent: all subordinate officers shall perform such duties as may be directed by the gaoler with the sanction of the superintendent; and the duties of each subordinate officer shall be inserted in a book to be kept by him.

Officers not to sell or let to prisoners.

11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners; nor to benefit by sales.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far as is expressly allowed by rules made under section 54, shall he derive any benefit, directly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

Superintendent

Duties of superintendent

13 Subject to the orders of the Inspector General of Prisons, the superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control

correspond on all matters connected with the prison with and through the Inspector General

submit to the Inspector General all bills of prison-expenditure with proper vouchers for audit

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease

send to the Inspector General returns of all prisoners sentenced to transportation

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General,

and, generally, obey all rules made under section 54 for the guidance of the superintendent

The superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon

Medical Officer

Power to make rules as to medical officer's duties

14 The Local Government shall make rules as to each of the following matters —

how often the medical officer shall visit the prison and see each prisoner

the records to be made respecting sick prisoners

periodical inspection of every part of the prison

reports on its cleanliness, drainage, warmth and ventilation

reports on the provisions, water, clothing and bedding supplied to the prisoners

Medical officer to obey rules

The medical officer shall obey such rules

To report special cases

15 Whenever the medical officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the medical officer shall report the case in writing to the superintendent, together with such directions as the medical officer thinks proper

To make entries as to death of prisoners

16 On the death of any prisoner, the medical officer shall forthwith record in writing the following particulars, namely,—

when the deceased was taken ill,

when the medical officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a *post mortem* examination is made) an account of the appearances after death,

together with any special remarks that appear to the medical officer to be required.

Deputy medical officer.

17. Where a deputy medical officer is appointed to a prison, he shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the medical officer.

Subordinate medical officer

When there is no deputy medical officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordinate medical officer to act as a substitute for the medical officer, and the subordinate medical officer so appointed shall perform all the duties of the medical officer.

Gaoler.

Residence of gaoler.

18. The gaoler shall reside in the prison, unless the superintendent permits him in writing to reside elsewhere. The gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

To deliver list of prisoners in punishment-cells.

19. The gaoler shall deliver to the medical officer daily a list of such prisoners as are confined in punishment-cells.

To give notice of death of prisoners.

20 Upon the death of a prisoner, the gaoler shall give immediate notice thereof to the superintendent.

To keep enumerated books and accounts.

21. The gaoler shall keep, or cause to be kept, the following records :—

(1) a register of warrants ;

(2) a book showing when each prisoner is to be released ;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences ;

(4) a visitors' book for the entry of any observations made by visitors to the prison ;

(5) a record of the money and other articles taken from prisoners ;

and all such other records as may be prescribed by rules made under section 54.

Responsible for safe custody of documents.

22. The gaoler shall be responsible for the safe custody of the records to be kept by him under section 21, and also for the commitments and all other documents confided to his care.

Not to be absent without leave.

23. The gaoler shall not be absent from the prison for a night without permission in writing from the superintendent; but if absent without

leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the superintendent.

Deputy gaoler.

24. Where a deputy gaoler is appointed to a prison, he shall be competent to perform any duty required by this Act or by any rule made under section 54 to be performed by the gaoler.

Where there is no deputy gaoler, or where his services are not available by reason of sickness or other cause, the superintendent shall, when the gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the gaoler.

Subordinate Officers.

Powers of gate porter.

25. The officer acting as gate-porter, or any other officer of the prison, may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the gaoler.

Subordinate officers not to be absent without leave.

26. Subordinate officers shall not be absent from the prison without leave from the superintendent, or from the gaoler, and before absenting themselves they shall leave their keys in the gaoler's office.

CHAPTER IV.—Admission, Removal and Discharge of Prisoners.

Prisoners to be searched on entrance.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

Medical examination of criminal prisoners.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the medical officer, who shall enter in a book, to be kept by the gaoler, a record of the state of the prisoner's health, and any observations which the medical officer thinks fit to add.

Effects of criminal prisoners retained.

28. All money or other effects in respect whereof no order of a competent Court has been made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the gaoler.

Medical examination before removal and discharge of prisoners.

29. All prisoners, previously to being removed to any other prison, shall be examined by the medical officer.

No prisoner shall be removed to any other prison unless the medical officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will form prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the medical officer, such discharge is safe.

CHAPTER V.—Discipline of Prisoners.

Requisitions of Act as to separation of prisoners.

30. The requisitions of this Act, with respect to the separation of prisoners, are as follows :—

(1.) In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the men.

(2.) In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners.

(3.) Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4.) Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement.

31. The Local Government shall have power to make rules—

(1) as to what cells only shall be used for the separate confinement of prisoners :

(2) as to the time during which prisoners not guilty of offences against prison-rules may be confined separately.

Cells to be furnished with means of communication.

32. No cell shall be used for separate confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

Prisoners uner sentence of death.

33. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the gaoler, and all articles shall be taken from him which the gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

CHAPTER VI.—Food, Clothing and Bedding of Prisoners.

Civil prisoner may maintain himself.

34. A civil prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessaries, but subject to examination and to such rules as may be approved by the Inspector General.

Civil prisoner

35. No part of any food, clothing, bedding or other necessaries belonging

not to sell provisions.

to any civil prisoner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such time as the superintendent thinks proper.

Allowance of clothing and bedding.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the superintendent with such clothing and bedding as may be necessary.

Judgment-creditor to defray such allowance.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.—EMPLOYMENT OF PRISONERS.

Work and earnings of civil prisoners.

37. Civil prisoners may, with the superintendent's permission, work and follow their respective trades and professions.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction, to be determined by the superintendent, for the use of implements and the cost of maintenance.

Examination by medical officer of labouring prisoners

38. The medical officer shall, from time to time, examine the labouring prisoners while they are employed, and shall enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the medical officer certifies that he is fit for such employment.

But if the medical officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the gaoler so to employ him.

Employment of prisoners sentenced to simple imprisonment.

39. Provision shall be made by the superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment.

The superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.—Health of Prisoners.

40. The names of prisoners desiring to see the medical officer or appearing out of health in mind or body shall be reported by the officer attending them to the gaoler. Names of sick prisoners to be reported to gaoler.

The gaoler shall, without delay, call the attention of the medical officer to any prisoner desiring to see him, or who is ill, or whose state of mind or body appears to require attention, Gaoler to report them to medical officer.

and shall carry into effect the medical officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the medical officer in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the medical officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the gaoler thinks fit to make, and the date of the entry. Entry of directions by medical officer.

42. In every prison an infirmary or proper place for the reception of sick prisoners shall be provided. Infirmaries.

CHAPTER IX.—Visits to, and Correspondence of, Prisoners.

43. Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate. Visits to prisoners.

The Local Government shall also impose such restrictions upon the communication and correspondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline. Correspondence of prisoners.

44. The gaoler may demand the name and address of any visitor to a prisoner; and, when the gaoler has any ground for suspicion, may search visitors, or cause them to be searched; but the search shall not be in the presence of any prisoner or of another visitor. Power of gaoler as to visitors.

In case of any such visitor refusing to be searched, the gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

CHAPTER X.—Offences in Relation to Prisons.

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means whatever to introduce, into any prison, or any Carrying liquor, tobacco or drugs into prison.

place provided under section 5 for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

suffering liquor, tobacco or drugs to be sold or used in prison,

and every officer of a prison who knowingly suffers any such liquor, tobacco or drug to be sold or used in such prison or place contrary to such regulations,

carrying letters into and out of prison,

and whoever, contrary to such regulations, conveys, or attempts to convey, any letter or other article not allowed by such regulations into or out of any such prison or place,

abetment of such offences.

and whoever abets within the meaning of the Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

Notice of penalties to be placed outside prison.

46. The superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section 45.

CHAPTER XI.—PRISON-OFFENCES.

List of prison-offences.

47. The following acts are declared to be offences against prison-discipline :—

(1) wilful disobedience to the regulations of the prison by any prisoner;

(2) assaults or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any prisoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting irons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison-property;

(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

Superintendent's power to punish prison-offenders.

48. The superintendent may examine any person touching such offences, and determine thereupon, and punish such offences—

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The gaoler shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the superintendent.

Punishment of prisoners by Magistrate.

49. If any prisoner is guilty of repeated offences against prison-discipline, or is guilty of any offence against prison-discipline which the superintendent thinks is not adequately punishable under section 48, the superintendent shall report the same to the Magistrate of the district or any Magistrate empowered to receive complaints without reference by the Magistrate of the district.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished—

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.*

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

Corporal punishment.

50. All corporal punishment within the prison shall be inflicted in the presence of the superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Penalty on officers ill-treating prisoners or violating rules.

51. Every gaoler and subordinate officer of a prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or made under section 54, shall be liable, on conviction before the superintendent, to fine not exceeding one hundred rupees, or, on conviction before a Magistrate not being the superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the superintendent under this section may be

recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

CHAPTER XII.—MISCELLANEOUS.

Confinement in irons of prisoners sentenced to rigorous imprisonment.

52. Whenever the superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the superintendent may so confine them.

Confinement in irons by gaoler of his own authority.

53. Except in case of urgent necessity, no prisoner shall be put in irons or under mechanical restraint by the gaoler of his own authority, and notice thereof shall be forthwith given to the superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the gaoler as his warrant.

Power to make supplementary prison rules.

54. The Local Government may, from time to time, make rules consistent with this Act—

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon:

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct; and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

Present rules.

55. All rules now in force relating to any of the matters mentioned in sections 14, 31, 39 and 54 shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

Exercise of powers of superintendent.

56. All or any of the powers and duties conferred and imposed by this Act on a superintendent may be exercised and performed by such other officer as the Local Government from time to time appoints in this behalf.

ACT No. VIII OF 1874.

Received the Governor General's assent on the 7th of April, 1874.

An Act to provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam.

Preamble.

WHEREAS the territories mentioned in the schedule hereto annexed have been taken under the direct management of the Governor General in Council, and have been formed into a Chief Commissionership, called the Chief Commissionership of Assam, and a Chief Commissioner has been appointed for the same:

And whereas it is expedient to provide for the exercise within the said territories of the powers heretofore exercised therein, under or by virtue of any law or regulation, by the Lieutenant-Governor of Bengal and the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal, respectively; It is hereby enacted as follows:—

Powers of Lieutenant-Governor and Board transferred to Governor General in Council.

1. All powers over the whole or any portion of the said territories which at the time of the formation of the said Chief Commissionership were, under or by virtue of any law or regulation, vested in, or exercisable by, the said Lieutenant-Governor or Board of Revenue, shall be taken to have been, on the formation of the said Chief Commissionership, transferred to and vested in the Governor General in Council.

Delegation of such powers.

2. The Governor General in Council may, from time to time, delegate to the said Chief Commissioner all or any of the said powers, and withdraw any powers so delegated.

Saving of power of Lieutenant-Governor to complete certain arrangements with zamíndárs.

3. Nothing herein contained shall be deemed to affect the power of the said Lieutenant-Governor to complete and carry out arrangements pending at the passing of this Act for making compensation to zamíndárs or other persons under Act No. XXII of 1869, section seven.

THE SCHEDULE.

Kámrup.	Gáro Hills.
Darrang.	Khási and Jaintía Hills.
Naugong.	Nága Hills.
Sibságar.	Káchár.
Lakhimpur.	Goálpárá.

ACT No. XII OF 1874.

Received the Governor General's assent on the 2nd of September, 1874.

An Act to provide for the exercise, in Silhat, of the powers of the Lieutenant-Governor and Board of Revenue of Bengal.

Preamble.

WHEREAS the District of Silhat is about to the transferred from the Lieutenant-Governorship of Bengal to the Chief Commissionership of Assam, and it is therefore necessary to provide for the exercise, within the said District, of the powers now vested in or exerciseable by the Lieutenant-Governor of Bengal and the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal, respectively; It is hereby enacted as follows:—

Powers of Lieutenant-Governor and Board in Silhat transferred to Governor General in Council. Delegation of such powers.

1. All powers over the whole or any portion of the said District, which at the time of the said transfer are, under or by virtue of any law or regulation, vested in, or exerciseable by, the said Lieutenant-Governor or Board of Revenue, shall, on the said transfer, become vested in the Governor General in Council.

2. The Governor General in Council may, from time to time, delegate to the Chief Commissioner of Assam all or any of the said powers, and withdraw any powers so delegated.

THE EUROPEAN BRITISH MINORS ACT, 1874.

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ACT No. XIII OF 1874.

Received the Governor General's assent on the 8th of December, 1874.

An Act to provide in the Panjáb and elsewhere for the guardianship of European British minors.

Preamble

WHEREAS it is expedient to provide in the Panjáb, Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam for the

guardianship of minors who either are born in the United Kingdom or any British colony, or are the children or grandchildren of persons so born; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The European British Minors Act, 1874:"

Local extent.

It extends to the territories respectively subject to the government of the Lieutenant-Governor of the Panjáb and to the administration of the Chief Commissioners of Oudh, the Central Provinces, British Burma, Coorg, Ajmer and Merwára and Assam;

Personal application

So far as relates to minors, it applies only to persons born in the United Kingdom of Great Britain and Ireland, or any British colony, plantation or settlement other than British India, and to their children and grandchildren;

Commencement.

And it shall come into force at once.

Interpretation-clause.

2. In this Act—

'Minor.'

'Minor' means a person who has not completed the age of eighteen years;

'Guardian.'

'Guardian' means a person who is appointed to take care of a minor's person or property, or both; and

'Court.'

'Court' means the highest civil Court of appeal in any territory (other than British Burma) to which this Act extends.

In British Burma 'Court' means, in the Town of Rangoon, the Court of the Recorder of Rangoon, and elsewhere, the Court of the Deputy Commissioner.

PART II.

APPOINTMENT OF GUARDIANS.

Appointment by parent.

3. A guardian of the person or property, or both, of any minor may be appointed by will or other instrument to take effect upon the death of the parent appointing—

(*a*) if the minor is legitimate, by the father, or by either parent if the other is dead or incapable of acting;

(*b*) if the minor is illegitimate, by the mother.

Appointment by Court.

4. If the Court within the local limits of whose jurisdiction any minor resides finds that the guardianship of his person or property has not been sufficiently provided for under section three, the Court may appoint a guardian of his person or property, or both, as the case may be.

If the minor has several properties, the Court may, if it think fit, appoint a guardian for each such property.

If the Court appoints a guardian for any property situate beyond the local limits of its jurisdiction, the Court within the local limits of whose jurisdiction such property may be situate shall accept such guardian as duly appointed and give effect to the order appointing him.

Application for appointment.

5. Whoever desires to be appointed the guardian of a minor's person or property, or both, may apply to the Court within the local limits of whose jurisdiction the minor resides by petition setting forth the grounds of his application, and showing—

(*a*) the minor's age and residence;

(*b*) the nature and amount of his property;

(*c*) what relatives he has in India, or elsewhere, and

(*d*) the qualifications of the proposed guardian and his willingness to act as such.

Stamp.

The petition shall bear a stamp of five rupees, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Verification.

Notice of application.

The Court, if satisfied that there is ground for proceeding, shall give notice of the application to the person (if any) named in the petition as having the custody or being in possession of the person or property of such minor, as well as to any other person whom the Court may think should receive such notice, and shall fix as early a day as may be convenient for the hearing of the petition.

Production of minor.

6. The Court may direct that the person (if any) having the custody of such minor shall produce him at such place and time as may be appointed by the Court, and may make such order for the temporary custody and protection of the minor's person or property as may appear proper.

Evidence of fitness.

7. On the day fixed for the hearing of the petition or as soon after as may be practicable, the petitioner shall adduce evidence to shew the fitness of the proposed guardian;

and the Court shall make such order as it thinks fit in respect to the guardianship of the minor's person or property or both, and the costs of the case.

Procedure.

8. In cases instituted under this Act, the Court shall be guided by the procedure prescribed in the Code of Civil Procedure in so far as the same is applicable; and any order made by the Court under section six or section seven may be enforced as if such order had been made in a regular suit or on appeal; and all orders made under this Act by Deputy Commissioners in British Burma shall be appealable as if they were decrees.

Forms

The forms set forth in the schedule hereto annexed, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Subsidiary rules.

And the Court may from time to time prescribe rules consistent with this Act for regulating the procedure hereunder:

Provided that, in the case of Courts of Deputy Commissioners in British Burma, such rules shall be prescribed by the Judicial Commissioner.

Orders under this Act not to be contested.

9. Save as provided by section eight, no order passed under this Act in respect to the guardianship of a minor's person or property shall be liable to be contested in any other proceeding.

Rules for awarding custody of minor.

10. In appointing the guardian of a minor, the Court shall be guided by the following considerations:—

(*a*) By what appears to be for the best interest of the minor in respect to his temporal and his mental and moral welfare; and if the minor is old enough to form an intelligent preference, the Court may consider that preference:

(*b*) As between parents adversely claiming the custody or guardianship, neither parent is entitled to it as of right; but if, other things being equal, the minor is of tender years, he should be given to the mother: if he is of an age to require education and preparation for labour and business, then to the father:

(*c*) The Court shall also conisder the following circumstances according as they may bear upon the guardianship of person or of property;—

(1) Nearness of relationship:

(2) The wishes of a deceased parent:

(3) Any existing or previous connection of the proposed guardian with the minor's person or property.

PART III.

GUARDIANS'-DUTIES, RIGHTS AND LIABILITIES.

A.—Guardians of the Person.

Duties of guardian of the person.

11. A guardian of the person is charged with the custody of the ward, and must look to his support, health and education.

Ward's religion.

12. A ward is presumed to be of his father's religion; and the guardian, in the absence of the Court's direction to the contrary, must train the ward in such religion. If the ward is old enough to form an intelligent preference for any religion, the Court, in giving such direction, shall attend to such preference.

13. Any ward who may desert his home may be compelled by order of the Court to return. But such order may be withheld by the Court if it appear— Guardian entitled to custody of ward.

(a) that the ward has been subjected to maltreatment at the hands of his guardian;

(b) that the conduct of the guardian in other respects renders him unfit for the office, or

(c) that the ward is on reasonable grounds unwilling to return and is old enough to form an intelligent preference on such a subject.

14. No guardian of the person appointed by the Court shall, without the leave of the Court, remove its ward from the limits of its jurisdiction. Removal of ward from jurisdiction.

Any person wilfully contravening this prohibition shall be liable by order of the Court to fine not exceeding one thousand rupees, or to imprisonment for a term which may extend to six months, or to both.

B.—Guardians of Property.

15. A guardian of the property shall keep safely the property of his ward. Duties of guardian of property.

In the case of immoveable property, he shall not suffer any waste, but shall maintain the buildings (if any) thereon and their appurtenances out of the rents and profits of the property. Prohibition of waste.

16. The guardian of any immoveable property may make leases for any term not exceeding a year, or from year to year, of such property or any part thereof; and, with the sanction of the Court, may make such lease of the property, or any part thereof, for such term of years and subject to such rents and covenants as the Court may direct; but in no such case shall any fine or premium be taken. Power to lease.

The lease shall be settled by an officer of the Court, and a counterpart thereof shall be executed by the lessee, and shall be deposited for safe custody in the Court until the ward completes the age of eighteen years; but all proper parties shall have the use thereof, if necessary, for the purpose of enforcing any covenant therein contained.

17. The Court may order that the principal of the ward's property, or any part thereof, shall be applied for his maintenance, education or advancement, and the guardian of such property shall obey such order. Power to use principal for ward's maintenance, &c.

18. Every guardian of the property of a minor shall— Rules as to guardians of property.

(a) give such security, if any, as the Court thinks fit duly to account for what he shall receive in respect of the minor's property;

(b) pass his accounts at such periods and in such form as the Court directs;

(*c*) pay the balance due from him thereon;

(*d*) be entitled to such allowance, if any, as the Court thinks fit for his care and pains in the execution of his duties;

(*e*) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

C.—As to all Guardians.

Minor guardians incompetent to act.

19. No person appointed a guardian shall be competent to act as such unless he has completed the age of eighteen years.

Guardian under control of Court.

20. Every guardian, whether appointed by a parent or under this Act by a Court, is subject to the control of the Court within the local limits of whose jurisdiction he resides.

Death of joint guardian.

21. On the death of one of two or more joint guardians, whether appointed by a parent or under this Act, the power continues to the survivor or survivors until a further appointment is made by the Court.

Removal of guardian.

22. A guardian may be removed by the Court for any of the following causes:—

(*a*) for abuse of his trust;

(*b*) for continued failure to perform its duties;

(*c*) for incapacity to perform its duties;

(*d*) for gross immorality;

(*e*) for having an interest adverse to the faithful performance of his duties;

(*f*) for removal from the local limits of the jurisdiction of the Court;

(*g*) the arrival within such local limits of some person whose guardianship the Court may think likely to be more beneficial to the minor than the guardianship of the person so removed;

(*h*) in the case of a guardian of the property, for insolvency.

Appointment of successor.

In any such case the Court may appoint a successor to the guardian so removed.

Resignation of guardian.

23. Any guardian, whether appointed by a parent or by the Court, desiring to resign his office may apply to the Court to discharge him,

and if the Court finds that there is some other proper person whom it may appoint to such guardianship, it shall discharge the guardian accordingly and appoint such other proper person in his place.

Application for appointment on guardian's removal or resignation.

24. Applications for appointments under section twenty-two or section twenty-three shall be made in manner provided in section five; and the procedure thereon shall be in accordance with section seven.

Close of authority of guardian.

25. The power of a guardian of the person ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority, and,

(*c*) in the case of a female ward, by her marriage followed by cohabitation.

The power of a guardian of the property ceases—

(*a*) by his removal or discharge;

(*b*) by the ward's attaining majority.

SCHEDULE.

I.—Petition for Appointment of Guardian.

(*See Section 5.*)

In the Chief Court of the Panjáb [*or* In the Court of the Recorder of Rangoon, *or as the case may be*].

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

To Mr. Justice (*or as the case may be*).

The petition of *C. D.* of

Sheweth—

1. The said *A. B.* is now of the age of years and upwards. He is the same person as '*A*, son of *C.* and *L. B.*' named in the paper-writing now produced and shown to me and marked *A*, and purporting to be a copy under the seal of the General Register Office of the entry No. in the certified copy of entries of births in the district of *D*, in the county of *L*, for the year 187 .

2. The said *A. B.* is absolutely entitled, under the will of *his maternal uncle E. F.*, late of (*residence and addition*) to the following properties (namely)—

(*a*) a house in let to *N. O.* as yearly tenant at Rs. 1,000 a year.

(*b*) Rs. 20,000 in the four per cent. securities of the Government of India, standing in the names of *R. S.* and *T. W.*, the trustees of the will of the said *E. F.*

(*c*) Rs. 800 cash in the hands of the said *R. S.* and *T. W.*, arisen from dividends on the said stock.

3. The only relations of the said *A. B.* now living are—(*a*), your petitioner, his maternal uncle; (*b*)—*S. H.*, wife of *T. H.* of (*residence and addition*), the half-sister of the said *A. B.*, and (*c*)—*R. D. V.*, the half-brother of the said *A. B.*, who is a Captain in Her Majesty's Army, and now stationed at Bombay.

4. The said *A. B.* was, at the time of the death of his father, *C. B.*, which happened on the 187 , and is now, residing as a scholar at Bishop Cotton's School, Simla, in the custody of the Rev. *M. N.*, the head-master.

5. Your petitioner [*here state his qualifications as guardian, e.g., that he has attained his majority, is married, has children, resides with his family at some reasonably healthy place, mentioning it, holds a responsible office, stating it*], and is willing to act as the guardian of the person and property [*or as may be*] of the said *A. B.* during his minority in case this Hon'ble Court shall think fit to appoint me to that office.

Your petitioner therefore prays this Hon'ble Court—

1. That your petitioner or some other proper person may, upon giving security, be appointed the guardian of the person and property of the said *A. B.* during his minority, or until further order.

2. And that the said *C. D.* or other such guardian may from time to time pass his accounts and pay the balances which shall be certified to be due from him into the Government Treasury to the credit of this matter, and that such balances may be laid out in securities of the Government of India, or in loans or bonds secured by the Imperial Parliament on the revenues of India, or in debentures of railways guaranteed by the Government of India, and the interest to accrue thereon and all accumulations of interest be laid out in like manner.

3. And that the costs of this petition may be taxed as between attorney and client; and that the said *C. D.* or other such guardian may retain and pay the same out of any monies of the said minor which may come to his hands and be allowed the same on passing his said accounts.

(Signed) *C. D.*

Form of Verification.

(*See Section 5.*)

I, *C. D.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

II.—Affidavit of Witness of Guardian.

(*See Section 7.*)

In the Chief Court, &c., (*or as the case may be*).

In the matter of *A. B.*, a minor, by *C. D.*, his next friend.

I, E. F., of (*residence and addition*), make oath and say as follows:—

1. I know and have for years past been well acquainted with *C. D.*, the petitioner in this matter.

2. The said *C. D.* is married and has children, namely, a son of the age of years and daughters of the respective ages of and years.

3. The said *C. D.* resides with his wife and children at

4. In my judgment and belief the said *C. D.* is a fit and proper person to be appointed guardian of the person and property of his nephew, the said minor *A. B.*, for the following reasons (*state them*) :—

Sworn at , this day of 187 , before me

E. F.

(*Official character and description of E. F.*)

III.—Recognizance by a Guardian of property and his surety, after an order appointing him subject to his giving security.

Stamp as in case of a bond.

(*Short title.*)

The senior Judge of the Chief Court of the Punjab [*or as the case may be*] has approved of and allowed this recognizance.

X. Y.
Registrar.

C. D., (*the principal*), of (*residence and addition*), and *L. M.* (*the surety*) acknowledge themselves and each of them acknowledges himself to owe to the Secretary of State for India in Council the sum of Rs. [*to be regulated by the sum which the guardian is likely to receive during the currency of his periodical account*] to be paid to the said Secretary of State for India in Council; and unless they pay the same, they, the said *C. D.* and *L. M.*, do and each of them doth grant for himself, his executors and administrators that the said sum shall be levied and received from them and each of them and from their and his moveable and immoveable property.

Dated the day of 187 .

WHEREAS, by an order of the Court of , made by (*name the Judge*), in a certain matter there depending, intituled 'In the matter of ' [*Recite the order appointing the guardian, subject to his giving security and continue thus*] :—

And whereas (*name the Judge who has approved of the surety and recognizance*) has approved of the above-bounden *L. M.* as surety for the said *C. D.*, and hath also approved of the above written recognizance with the underwritten condition as a proper security to be entered into by the said *C. D.* and *L. M.* pursuant to the said order, and in testimony of the said approbation, the registrar [*or as the case may be*] of the said Court hath signed an allowance in the margin thereof.

Now, the condition of the above-written recognizance is such, that if the said *C. D.* shall duly account for every sum of money which he shall receive on account of the property of the said minor *A. B.* and the rents and profits and other income thereof, at such periods as the said Judge shall appoint, and shall duly pay the balances which shall from time to time be certified to be due from him as the said Court or Judge hath directed, or shall hereafter direct, then the above recognizance shall be void, otherwise the same shall remain in force.

C. D. } Taken and acknowledged by the above-named *C. D.* and *L. M.*, at
L. M. } in this day of 187 before me

(*Signature and style of office of the officer by whom the recognizance is taken.*)

THE NORTHERN INDIA FERRIES ACT, 1878.

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ACT No. XVII OF 1878.

Received the Governor General's assent on the 9th of November, 1878.

An Act to regulate Ferries in Northern India.

WHEREAS it is expedient to regulate ferries in the Panjab, the North- Preamble

Western Provinces, Oudh, the Central Provinces, Assam and Ajmer and Merwára; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

1. This Act may be called "The Northern India Ferries Act, 1878:"

Local extent.

It extends only to the territories respectively administered by the Lieutenant-Governors of the Panjáb and the North-Western Provinces and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer and Merwára:

Commencement.

It shall come into force in each of the said territories on such date as the Local Government may, by notification in the official Gazette, fix in this behalf.

Repeal.

2. On and from the date on which it comes into force in the territories respectively administered by the Lieutenant-Governor of the North-Western Provinces and the said Chief Commissioners, Bengal Regulation VI of 1819 shall be repealed therein; but all determinations, declarations, orders and rules made, engagements entered into, and securities taken, under that Regulation, and then in force, shall be deemed to be respectively made, entered into and taken under this Act.

Interpretation-clause.

3. In this Act the word "ferry" includes also a bridge of boats, pontoons or rafts, a swing-bridge, a flying-bridge and a temporary bridge, and the approaches to, and landing-places of, a ferry.

II.—Public Ferries.

Power to declare, establish, define and discontinue public ferries.

4. The Local Government may from time to time—

(*a*) declare what ferries shall be deemed public ferries, and the respective districts in which, for the purposes of this Act, they shall be deemed to be situate;

(*b*) take possession of a private ferry and declare it to be a public ferry;

(*c*) establish new public ferries where, in its opinion, they are needed;

(*d*) define the limits of any public ferry;

(*e*) change the course of any public ferry; and

(*f*) discontinue any public ferry which it deems unnecessary.

Every such declaration, establishment, definition, change or discontinuance shall be made by notification in the official Gazette:

Provided that, when a river lies between two Provinces, the powers conferred by this section shall, in respect of such river, be exercised by the Governor General in Council, by notification in the *Gazette of India*, and not otherwise:

Provided also that, when any alteration in the course or in the limits of a public ferry is rendered necessary by changes in the river, such alteration may

be made, by an order under his hand, by the Commissioner of the division in which such ferry is situate, or by such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf.

Claims for compensation.

5. Claims for compensation for any loss sustained by any person in consequence of a private ferry being taken possession of under section four, shall be enquired into by the Magistrate of the district in which such ferry is situate, or such officer as he appoints in this behalf, and submitted for the consideration and orders of the Local Government.

Superintendence of public ferries.

6. The immediate superintendence of every public ferry shall, except as provided in section seven, be vested in the Magistrate of the district in which such ferry is situate, or in such other officer as the Local Government may, from time to time, appoint by name or in virtue of his office in this behalf;

and such Magistrate or officer shall, except when the tolls at such ferry are leased, make all necessary arrangements for the supply of boats for such ferry, and for the collection of the authorized tolls leviable thereat.

Management may be vested in municipality;

7. The Local Government may direct that any public ferry situate within the limits of a town be managed by the officer or public body charged with the superintendence of the municipal arrangements of such town;

and proceeds paid into municipal fund.

and may further direct that all or any part of the proceeds from such ferry be paid into the municipal fund of such town;

and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.

Letting ferry tolls by auction.

8. The tolls of any public ferry may, from time to time, be let by public auction for such term not exceeding five years as the Magistrate of the district, subject to the approval of the Commissioner of the division in which such ferry is situate, may deem expedient.

The lessee shall conform to the rules made under this Act for the management and control of such ferry, and may be called upon by the officer conducting the auction to give such security for his good conduct and for the punctual payment of the rent as such officer thinks fit.

Such officer may, for sufficient reason recorded in writing under his hand, refuse to accept the offer of the highest bidder, and may accept any other bid, or may withdraw the tolls from auction.

Recovery of arrears from lessee.

9. All arrears due by the lessee of the tolls of a public ferry on account of his lease may be recovered from the lessee or his surety (if any) by the Magistrate of the district in which such ferry is situate as if they were arrears of land-revenue.

Power to cancel lease.

10. The Local Government may cancel the lease of the tolls of any public ferry on the expiration of six months' notice in writing to the lessee of its intention to cancel such lease.

When any lease is cancelled under this section, the Magistrate of the district in which such ferry is situate shall pay to the lessee such compensation as such Magistrate may, with the previous sanction of the Local Government, award.

Surrender of lease

11. The lessee of the tolls of a public ferry may surrender his lease on the expiration of one month's notice in writing to the Local Government of his intention to surrender such lease, and on payment to the Magistrate of the district in which such ferry is situate of such compensation as such Magistrate, subject to the approval of the Commissioner, may in each case direct.

Power to make rules

12. Subject to the control of the Local Government, the Commissioner of a division, or such other officer as the Local Government may, from time to time, appoint in this behalf, by name or in virtue of his office, may, from time to time, make rules consistent with this Act—

(*a*) for the control and the management of all public ferries within such division and for regulating the traffic at such ferries;

(*b*) for regulating the time and manner at and in which, the terms on which, and the person by whom, the tolls of such ferries may be let by auction;

(*c*) for compensating persons who have compounded for tolls payable for the use of any such ferry when such ferry has been discontinued before the expiration of the period compounded for; and

(*d*) generally to carry out the purposes of this Act;

and, when the tolls of a ferry have been let under section eight, such Commissioner or other officer may, from time to time (subject as aforesaid), make additional rules consistent with this Act—

(*e*) for collecting the rents payable for the tolls of such ferries;

(*f*) in cases in which the communication is to be established by means of a bridge of boats, pontoons or rafts, or a swing-bridge, flying, bridge or temporary bridge, for regulating the time and manner at and in which such bridge shall be constructed and maintained and opened for the passage of vessels and rafts through the same, and

(*g*) in cases in which the traffic is conveyed in boats, for regulating (1) the number and kinds of such boats and their dimensions and equipment; (2) the number of the crew to be kept by the lessee for each boat; (3) the maintenance of such boats continually in good condition; (4) the hours during which, and the intervals within which, the lessee shall be bound to ply, and (5) the number of passengers, animals and vehicles, and the bulk and weight of other things, that may be carried in each kind of boat at one trip.

The lessee shall make such returns of traffic as the Commissioner or other officer as aforesaid may from time to time require.

13. No person shall, except with the sanction of the officer charged with the superintendence of a public ferry, keep a ferry-boat for the purpose of plying for hire to or from any point within a distance of two miles from the limits of such public ferry:

Private ferry not to ply within two miles of public ferry without sanction.

Provided that, in the case of any specified public ferry, the Local Government may, by notification in the official Gazette, reduce or increase the said distance of two miles to such extent as it thinks fit:

Provided also that nothing hereinbefore contained shall prevent persons plying between two places, one of which is without, and one within, the said limits, when the distance between such two places is not less than three miles, or apply to boats which the Local Government expressly exempts from the operation of this section.

14. Whoever uses the approach to, or landing-place of, a public ferry is liable to pay the toll payable for crossing such ferry.

Person using approaches, &c., liable to pay.

15. Tolls, according to such rates as are from time to time fixed by the Local Government, shall be levied on all persons, animals, vehicles and other things crossing any river by a public ferry and not employed or transmitted on the public service:

Tolls.

Provided that the Local Government may, from time to time, declare that any persons, animals, vehicles or other things shall be exempt from payment of such tolls.

Where the tolls of a ferry have been let under section eight, any such declaration, if made after the date of the auction, shall entitle the lessee to such abatement of the rent payable in respect of the tolls as may be fixed by the Commissioner of the division or such other officer as the Local Government may, from time to time, appoint in this behalf by name or in virtue of his office.

16. The lessee or other person authorized to collect the tolls of any public ferry shall affix a table of such tolls, legibly written or printed in the vernacular language, and also, if the Commissioner of the division so directs, in English, in some conspicuous place near the ferry,

Table of tolls.

and shall be bound to produce, on demand, a list of the tolls, signed by the Magistrate of the district or such other officer as he appoints in this behalf.

List of tolls.

17. Except as provided by section seven, all tolls, rents and compensation received by or on behalf of Government, and all fines levied, under this Act shall be disposed of as follows, that is to say:—

Tolls, rents, compensation and fines how disposed of.

(*a*) in the territories administered by the Lieutenant-Governor of the North-Western Provinces, the residue of such tolls, rents, compensation and fines, after defraying thereout all charges incurred in carrying out this Act in

those territories, shall be credited to the fund constituted for those territories by the North-Western Provinces Local Rates Act, 1878;

(*b*) in the territories administered by the Chief Commissioner of Oudh, the residue as aforesaid shall be credited to the fund constituted for those territories by the Oudh Local Rates Act, 1878;

(*c*) in the territories respectively administered by the Lieutenant-Governor of the Panjáb and the Chief Commissioner of the Central Provinces, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then, at the discretion of the Local Government, to any of the purposes specified in the second clause of section seven of the Panjáb Local Rates Act, 1878, or the second clause of section five of the Central Provinces Additional Rates Act, 1878, as the case may be, and

(*d*) in the territories respectively administered by the Chief Commissioner of Assam and the Chief Commissioner of Ajmer and Merwára, such tolls, rents, compensation and fines shall be credited to the Local Government and applied, first, to defraying all charges incurred in carrying out this Act in those territories respectively, and then to such local works and establishments likely to promote the public health, comfort or convenience as the Local Government, subject to the control of the Governor General in Council, may from time to time direct.

Compounding for tolls.

18. The Local Government may, if it thinks fit, from time to time fix rates at which any person may compound for the tolls payable for the use of a public ferry.

III.—Private Ferries.

Power to make rules.

19. The Commissioner of the division may, with the previous sanction of the Local Government, from time to time make rules for the maintenance of order and for the safety of passengers and property at ferries other than public ferries.

Tolls.

20. The tolls charged at such ferries shall not exceed the highest rates for the time being fixed under section fifteen for similar public ferries.

IV.—Penalties and Criminal Procedure.

Penalty for breach of provisions as to table of tolls, list of tolls and return of traffic.

21. Every lessee or other person authorized to collect the tolls of a public ferry, who neglects to affix and keep in good order and repair the table of tolls mentioned in section sixteen,

or who wilfully removes, alters or defaces such table, or allows it to become illegible,

or who fails to produce on demand the list of the tolls mentioned in section sixteen,

and every lessee who neglects to furnish any return required under section twelve,

shall be punished with fine which may extend to fifty rupees.

22 Every such lessee or other person as aforesaid and any person in possession of a private ferry asking or taking more than the lawful toll, or without due cause delaying any person, animal, vehicle or other thing, shall be punished with fine which may extend to one hundred rupees.

Penalty for taking unauthorised toll, and for causing delay.

23. Every person breaking any rule made under section twelve or section nineteen shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Penalty for breach of rules made under sections 12 and 19.

24 When any lessee of the tolls of a public ferry makes default in the payment of the rent payable in respect of such tolls, or has been convicted of an offence under section twenty-three, or, having been convicted of an offence under section twenty-one or section twenty-two, is again convicted of an offence under either of those sections,

Cancelment of lease on default or breach of rules.

the Magistrate of the district may, with the sanction of the Commissioner of the division, cancel the lease of the tolls of such ferry, and make other arrangements for its management during the whole or any part of the term for which the tolls were let.

25. Every person crossing by any public ferry, or using the approach to, or landing-place thereof, who refuses to pay the proper toll, and every person—

Penalties on passengers offending.

who, with intent to avoid payment of such toll, fraudulently or forcibly crosses by any such ferry without paying the toll, or

who obstructs any toll-collector or lessee of the tolls of a public ferry, or any of his assistants, in any way in the execution of their duty under this Act, or

who, after being warned by any such toll-collector, lessee or assistant not to do so, goes or takes any animals, vehicles or other things into any ferry-boat, or upon any bridge, at such a ferry, which is in such a state or so loaded as to endanger human life or property, or

who refuses or neglects to leave, or remove any animals, vehicles or goods from, any such ferry-boat or bridge, on being requested by such toll-collector, lessee or assistant to do so,

shall be punished with fine which may extend to fifty rupees.

26. Whoever conveys for hire any passenger, animal, vehicle or other thing in contravention of the provisions of section thirteen, shall be punished with fine which may extend to fifty rupees.

Penalty for plying within public ferry-course without license.

27. Where the tolls of any public ferry have been let under the provisions hereinbefore contained, the whole or any portion of any fine realized under

Fines payable to lessee.

section twenty-five or section twenty-six may, notwithstanding anything contained in section seventeen, be, at the discretion of the convicting Magistrate or Bench of Magistrates, paid to the lessee.

Penalty for rash navigation and stacking of timber.

28. Whoever navigates, anchors, moors or fastens any vessel or raft, or stacks any timber, in a manner so rash or negligent as to damage a public ferry, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the toll-collector or lessee of the tolls of such ferry or any of his asisstants, may seize and detain such vessel, raft or timber pending the enquiry and assessment hereinafter mentioned.

Power to arrest without warrant.

29. The Police may arrest without warrant any person committing an offence against section twenty-five or section twenty-eight.

Power to try summarily.

30. Any Magistrate or Bench of Magistrates having summary jurisdiction under Chapter XVIII of the Code of Criminal Procedure may try any offence against this Act in manner provided by that chapter.

Magistrate may assess damage done by offender.

31. Every Magistrate or Bench of Magistrates trying any offence under this Act may enquire into and assess the value of the damage (if any) done or caused by the offender to the ferry concerned, and shall order the amount of such value to be paid by him in addition to any fine imposed upon him under this Act; and the amount so ordered to be paid shall be leviable as if it were a fine, or when the offence is one under section twenty-eight, by the sale of the vessel, raft or timber causing the damage, and of any thing found in or upon such vessel or raft.

The Commissioner of the division may, on the appeal of any person deeming himself aggrieved by an order under this section, reduce or remit the amount payable under such order.

V.—Miscellaneous.

Power to take possession of boats, &c., on surrender or cancellation of lease.

32. When the lease of the tolls of any ferry is surrendered under section eleven or cancelled under section twenty-four, the Magistrate of the district may take possession of all boats and their equipment, and all other material and appliances, used by the lessee for the purposes of such ferry, and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such Magistrate can conveniently procure proper substitutes therefor.

Similar power in case of emergency.

33. When any boats or their equipment, or any materials or appliances suitable for setting up a ferry, are emergently required for facilitating the transport of officers or troops of Her Majesty on duty, or of any other persons on the business of Her Majesty, or of any animals, vehicles or baggage belonging to such officers, troops or persons, or of any property of Her Majesty, the

Magistrate of the district may take possession of and use the same (paying such compensation for the use thereof as the Local Government may in each case direct) until such transport is completed

34 No suit to ascertain the amount of any compensation payable, or abatement of rent allowable, under this Act shall be cognizable by any civil Court — Jurisdiction of civil Courts barred

35 The Local Government may, from time to time, delegate, under such restrictions as it thinks fit, any of the powers conferred on it by this Act to any Commissioner of a division or Magistrate of a district, or to such other officer as it thinks fit, by name or by virtue of his office — Delegation of powers

36 All matters determined, orders issued, acts done, penalties imposed and proceedings held in the territories administered by the Lieutenant-Governor of the Panjáb after the repeal of Bengal Regulation VI of 1819 by the Panjáb Laws Act, 1872, section 4, and before this Act comes into force in such territories shall, whenever such determinations, orders, acts, penalties or proceedings would have been lawful if the said Regulation had been in force, be deemed to have been respectively determined, issued, done, imposed and held in accordance with law — Validation of proceedings since repeal of Regulation VI of 1819 in Panjáb

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ACT No X OF 1879

Received the Governor General's assent on the 23 d of May, 1879

An Act to provide for the recovery of certain advances made to Landholders

WHEREAS it is expedient to provide for the recovery of certain advances made in the territories respectively administered by the Lieutenant Governors of the North-Western Provinces and the Panjáb and the Chief Commissioners of Oudh, the Central Provinces, Assam and Ajmer for certain purposes other than those specified in the Land Improvement Act, 1871, It is hereby enacted as follows — — Preamble.

1 This Act may be called "The Northern India Takkavi Act, 1879," and shall come into force on the first day of July, 1879 — Short title — Commencement

2 On and from that day, the fifty second section added to the Panjáb Laws Act, 1872, by Act No XII of 1878 *(An Act for the further amendment of the Panjáb Laws Act, 1872)*, shall except as to advances made before that day, be repealed — Act IV of 1872 section 52 repealed

3 The Local Government may from time to time, with the previous sanction of the Governor General in Council, prescribe rules as to advances to be made to owners and occupiers of arable land, for the relief of distress, the pur- — Recovery of certain takkavi advances

chase of seed or cattle, or any other purpose not specified in the Land Improvement Act, 1871, but connected with agricultural objects.

All such rules shall be published in the local official Gazette.

Every advance made in accordance with such rules, shall, when it becomes due, be recoverable from the person to whom it was made, or from any person who has become surety for the repayment thereof, as if it was an arrear of land-revenue due by the person to whom the advance was made or by his surety.

ACT No. XIV OF 1879.

Received the Governor General's assent on the 5th of September, 1879.

An Act for the regulation and control of Hackney-carriages in certain Municipalities and Cantonments.

Preamble.

WHEREAS it is expedient to provide for the regulation and control of hackney-carriages in certain municipalities and cantonments; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Hackney-carriage Act, 1879":

Commencement.

and it shall come into force at once;

Saving.

but nothing herein contained shall affect any power conferred by any law relating to municipalities, or any rule made in exercise of any such power.

Interpretation-clause.

2. In this Act—

"Hackney-carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers which is kept, or offered, or plies, for hire; and

"Committee" means a Municipal Committee, or a body of Municipal Commissioners, constituted under the provisions of any enactment for the time being in force.

Application of Act to municipalities.

3. The Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg, may, by notification in the official Gazette, apply this Act to any municipality in the territories administered by them respectively.

Power of committees to make rules.

When this Act has been so applied to any municipality, the committee of such municipality may, from time to time, make rules for the regulation and control of hackney-carriages within the limits of such municipality, in the manner in which, under the law for the time being in force, it makes rules or bye-laws for the regulation and control of other matters within such limits.

Confirmation and publication of rules.

Every rule made under this section shall, when confirmed by the Local Government and published for such time and in such manner as the Local Government may, from time to time, prescribe, have the force of law:

Provided that the Local Government may, at any time, rescind any such rule.

Power of Local Government to rescind rules.

4. The Local Government of any of the said territories may from time to time, subject to the control of the Governor General in Council, make rules for the regulation and control of hackney-carriages in any military cantonment situated in the territory administered by it; and

Power to make rules for cantonments.

the Governor General in Council may, from time to time, make rules for the regulation and control of hackney-carriages in any place in India, but not in British India, in which British troops are cantoned.

All rules made under this section when published for such time and in such manner as the authority making the same may, from time to time, prescribe, shall have the force of law.

5. The authority making any rules under this Act may extend their operation to any railway station, or specified part of a road, not more than six miles from the local limits of the municipality or cantonment concerned:

Power to extend operation of rules beyond limits of municipality or cantonment.

Provided that such extension shall be made, in the case of a municipality, with the sanction of the Local Government, and, in the case of a cantonment situate in British India, subject to the control of the Governor General in Council.

When any rules have been made under this Act for any municipality, the Local Government may, subject to the control of the Governor General in Council, extend the operation of such rules to any cantonment the boundary of which is not more than six miles distant from the boundary of such municipality.

6. The rules to be made under section three or section four may, among other matters,—

What rules under sections 3 and 4 may provide for.

(*a*) direct that no hackney-carriage, or no hackney-carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;

(*b*) direct that no person shall act as driver of a hackney-carriage except under a license granted in that behalf;

(*c*) provide for the issue of the licenses referred to in clauses (*a*) and (*b*), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;

(*d*) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;

(*e*) provide for the inspection of the premises on which any such carriages, animals, harness and other things are kept;

(*f*) fix the time for which such licenses shall continue in force, and the events (if any) upon which within such time they shall be subject to revocation or suspension;

(*g*) provide for the numbering of such carriages;

(*h*) determine the times at which, and the circumstances under which, any person keeping a hackney-carriage shall be bound to let or refuse to let such carriage to any person requiring the same;

(*i*) appoint places as stands for hackney-carriages and prohibit such carriages waiting for hire except at such places;

(*j*) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney-carriage; and prescribe the minimum speed at which such carriages when hired by time shall be driven;

(*k*) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

(*l*) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;

(*m*) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorized by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges, and

(*n*) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

7. Any person breaking any rule made under this Act shall be punished with fine which may extend to fifty rupees.

Disposal of fees and payment of expenses

8. The amount of any fees received and the amount of any expenses incurred in giving effect to this Act shall in any municipality be credited and debited respectively to the municipal fund, and in any cantonment where there is a cantonment-fund, to such fund.

Power of Magistrate to decide disputes regarding fares.

9. If any dispute arises between the hirer of any hackney-carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Act, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or bench thinks fit.

Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine

The decision of any Magistrate or bench in any case under this section shall be final

When any such case is heard by a bench, any difference of opinion arising between the members of such bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases

10 If at the time any dispute mentioned in section nine arises, any Magistrate or bench of Magistrates having jurisdiction in respect of such dispute is sitting within the local limits to which the rules apply, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or bench for the purpose of making an application under that section

In case of dispute driver may require driver to take him to Court

Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both

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ACT No XX OF 1879

Received the Governor General's assent on the 11th of November, 1879

An Act to provide for the better prevention of Glanders and Farcy among Horses

WHEREAS it is expedient to provide for the better prevention of glanders and farcy among horses It is hereby enacted as follows —

Preamble

1 This Act may be called "The Glanders and Farcy Act, 1879"

Short title

It extends to the whole of British India, except the territories respectively administered by the Governor of Fort St George in Council, the Governor of Bombay in Council and the Lieutenant-Governor of Bengal,

Local extent

and it shall come into force at once

Commencement

2 In this Act, unless there is something repugnant in the subject or context,—

Interpretation clause.

"horse" includes also ponies, asses, mules and jennets

'horse'

"diseased" means affected with glanders or farcy

'diseased'

3 The Local Government may, by notification in the official Gazette, apply this Act, or any provision of this Act, to any local area to be specified in such notification, within the territories administered by it, and may in like manner amend or cancel any such notification

Local Government may apply the Act

Local Government to appoint Inspectors

4 When this Act has been so applied to any local area the Local Government may, by notification in the official Gazette, appoint either by name or by virtue of their office such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of such local area or such portions thereof as it may from time to time prescribe, the powers conferred and the duties imposed by this Act on such officers.

Every person so appointed may be suspended or dismissed by the Local Government which appointed him.

Every person so appointed shall be deemed a public servant within the meaning of the Indian Penal Code.

Inspector's power to seize horse

5. Within the local limits for which he is so appointed, any such Inspector may seize any horse which he has reason to believe, from personal knowledge or from information given by any person and taken down in writing, is diseased.

Power of entry and search given to Inspectors

6. For the purpose of making such seizure, such Inspector may, subject to such rules as the Local Government may from time to time make in this behalf, enter and search any field, building or other place where he has reason to believe that any such horse is to be found.

Horse to be examined by Veterinary Surgeon

7. On any such seizure, the Inspector shall cause the horse so seized to be examined as soon as possible by such Veterinary Surgeon as the Local Government may from time to time appoint in this behalf.

Horse to be destroyed if found diseased otherwise restored.

8. If such Surgeon certifies in writing that such horse is diseased, the Inspector shall cause the same to be immediately destroyed; but if such Surgeon does not so certify, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

When horse diseased place where it has been to be disinfected, &c.

9. When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of such building, shed, place or lines, or the person in charge thereof, directing him to have the same disinfected, and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may from time to time by rule prescribe, destroyed.

On the failure or neglect of such owner or other person to comply with such notice within a reasonable time, the Inspector shall cause such building, shed, place or lines to be disinfected, and such fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from such owner or other person as if it were a fine.

Owner or person in charge of diseased horse to give notice

10. The owner or any person in charge of a diseased horse shall give immediate information of such horse being diseased to the Inspector or to some officer of Police

11. No person in charge of any horse which has been in the same field, building or place or in contact with a diseased horse shall move such horse, except in good faith for the purpose of preventing infection or under a license to be granted by the Inspector and subject to the conditions of such license.

Prohibition against removal, without license, of horse which has been with diseased horse.

12. Any Inspector who, without reasonable ground of suspicion, enters or searches any field, building or other place, or vexatiously and unnecessarily seizes or detains any horse on the pretence that it is diseased, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries, searches and seizures.

No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

13. Any person who refuses or neglects to comply with any notice issued by the Inspector under section nine, or who moves any horse in contravention of section eleven, shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Penalty for refusing to comply with notice under section 9; or moving horse contrary to section 11.

14. The Local Government may, from time to time, make rules, consistent with this Act,—

Power to make rules.

(*a*) for regulating entries and searches by Inspectors under this Act;

(*b*) for regulating the destruction of horses certified under section eight to be diseased, and the disposal of the carcases of such horses;

(*c*) for regulating the disinfecting of buildings and places in which diseased horses have been, and for prescribing what things found therein or near thereto shall be destroyed;

(*d*) for regulating the grant of licenses under section eleven, and the conditions on which such licenses shall be granted; and

(*e*) generally for carrying out the purposes of this Act.

All such rules shall be published in the official Gazette, and shall thereupon have the force of law.

Any person breaking a rule made under this section shall be punished with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.

15. All diseased horses destroyed under the orders of the Governor General in Council or the Local Government in the districts of Ráwalpindí and Pesháwar previous to the passing of this Act shall be deemed to have been destroyed in accordance with law.

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THE VACCINATION ACT, 1880.

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ACT No. XIII of 1880.

Received the Governor General's assent on the 9th of July, 1880.

An Act to give power to prohibit inoculation, and to make the vaccination of children compulsory, in certain Municipalities and Cantonments.

WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory, in certain municipalities and cantonments; It is hereby enacted as follows:— Preamble.

1. This Act may be called "The Vaccination Act, 1880": and Short title.

it shall apply only to such municipalities and cantonments situate in the territories administered respectively by the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and the Chief Commissioners of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg, as it may be extended to in manner hereinafter provided. Application.

2. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

(1) the expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force: "Municipal Commissioners":

(2) "parent" means the father of a legitimate child and the mother of an illegitimate child: "parent":

(3) "guardian" includes any person who has accepted or assumed the care or custody of any child: "guardian":

(4) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination: "unprotected child":

(5) "inoculation" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter: "inoculation":

(6) "vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination: "vaccination-circle":

(7) "vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized by the Local Government in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination": "vaccinator":

(8) "vaccination-season" means the period from time to time fixed by the Local Government for any local area under its administration by notifica- "vaccination-season."

tion in the official Gazette, during which alone vaccination may be performed under this Act.

Extension of Act to municipalities.

3. A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the Local Government to extend this Act to the whole or any part of a municipality, and thereupon the Local Government may, if it thinks fit, by notification published in the official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection in writing to the Secretary to the Local Government, and the Locals Government shall take such objection into consideration. When six weeks from the said publication have expired, the Local Government, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension.

Extension to cantonments.

4. The Local Government may, with the previous sanction of the Governor General in Council, by notification in the local official Gazette, extend this Act to the whole or any part of a military cantonment.

Power to withdraw local area from operation of Act

5. The Local Government may, by notification in the official Gazette, withdraw any local area in a municipality, or with the previous sanction of the Governor General in Council, any local area in a cantonment, from the operation of this Act.

Prohibition of inoculation

6. In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter without certificate, local area subject to Act

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner, of such class as the Local Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

Vaccination circles

7. Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles;

Vaccinators

one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination

one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Private vaccinators.

8. The Local Government may by written license authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such license.

9. When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination-season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it. Unprotected children to be vaccinated

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season. Vaccinator to vaccinate children, or deliver certificates of postponement

10. The parent or guardian of every child which has been vaccinated under section nine shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and Inspection after vaccination.

such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

11. When it is ascertained at the time of inspecting a child under section ten that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected. Procedure when vaccination is successful

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so direct, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided. Procedure when vaccination is unsuccessful

13. A certificate granted under section nine showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period, or, if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator: Procedure when child is unfit for vaccination.

Provided that if the child is still found to be in a state unfit for vaccination, the certificate granted under section nine shall be renewed. Renewal of postponement certificates

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination he shall deliver to the parent or guardian of such child a certi- Certificates of insusceptibility of

Successful vaccination.

ficate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

What lymph to be used.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated; and

2nd, if in any local area in which animal-lymph is procurable human lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

No fee to be charged except by private vaccinator Proviso.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Act:

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Duties of Superintendent of vaccination.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

Notice to parent or guardian neglecting to comply with Act.

Order by Magistrate when notice not complied with.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district, or such Magistrate as the Local Government or the Magistrate of the district may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure

If on such date the order has not been obeyed, the Magistrate shall sum-

mon the parent or guardian before him, and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section twenty-two.

when order not obeyed.

The Magistrates appointed under this section shall, as far as is conveniently practicable, be Natives of India, and not paid servants of the Government.

Magistrates to be non-official Natives.

19. When this Act has been applied to any municipality or any part thereof, the Municipal Commissioners may, from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies. Such rules shall be made in the manner in which, under the law for the time being in force, the Commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality, and shall, when confirmed by the Local Government and published in the official Gazette, have the force of law:

Power to make rules for municipalities.

Provided that the Local Government may at any time rescind or modify any such rule.

20. When this Act has been applied to any cantonment or any part thereof, the Local Government may, from time to time, subject to the control of the Governor General in Council, make such rules.

Power to make rules for cantonments.

21. The rules to be made for any local area under sections nineteen or twenty may, among other matters, provide for—

What rules under sections 19 and 20 may provide for.

(*a*) the division of such local area into circles for the performance of vaccination;

(*b*) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;

(*c*) the qualifications to be required of public vaccinators and Superintendents of vaccination;

(*d*) the authority with which their appointment, suspension and dismissal shall rest;

(*e*) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles;

(*f*) the distinguishing mark or badge to be worn by them;

(*g*) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;

(*h*) the facilities to be afforded to people for procuring the vaccination of their children at their own houses;

(*i*) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination;

(*j*) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph,

(*k*) the fee to be paid for vaccination with animal lymph under section fifteen,

(*l*) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination circle at the request of the parent or guardian of the said child,

(*m*) the preparation and keeping of registers showing—

the names of children born in such local area on or after the date of the application of this Act

the names of unprotected children born in such local area previous to the application of this Act, and who are at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls,

the names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month,

the result of each vaccination or its postponement, and the delivery of certificates, if any,

(*n*) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters, and

(*o*) the preparation of vaccination reports and returns

Punishment of offences

22 Whoever commits any of the undermentioned offences (that is to say) —

(*a*) violates the provisions of section six,

(*b*) neglects without just excuse to obey an order made under section eighteen,

(*c*) breaks any of the rules made under section nineteen or twenty, or

(*d*) neglects without just cause to obey an order made under section eighteen after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

shall be punished as follows (that is to say) —

in the case of the offence mentioned in clause (*a*), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both,

in the case of the offences mentioned in clauses (*b*) and (*c*), with fine which may extend to fifty rupees, and

in the case of the offence mentioned in clause (*d*), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both

23 The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the municipal fund

Municipal funds to be credited fines and to meet expenditure

REGULATION No II of 1875

A Regulation to amend the Law relating to Prisons in the territories under the administration of the Chief Commissioner of Assam

(*Published in the Gazette of India of 1st of May 1875, p 207, and in the Assam Gazette of 15th of May, 1875, p 283*)

WHEREAS the Secretary of State for India in Council has, by Resolution in Council declared the provisions of the thirty third of Victoria, chapter three, section one, to be applicable to the territories under the administration of the Chief Commissioner of Assam;

Preamble

and whereas the Chief Commissioner of Assam has proposed to the Governor General in Council a draft of the following Regulation for the peace and government of the said territories, together with the reasons for proposing the same,

and whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent

The following Regulation is now published in the *Gazette of India* and will be published in the *Assam Gazette*, and will thereupon have the force of law —

1 On and from the 1st June, 1875, the Acts of the Lieutenant Governor of Bengal in Council, No II of 1864 and No V of 1865 shall be repealed throughout the said territories but not so as to revive any enactment repealed by either of the said Acts, or to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the said date

Repeal of Acts

2 On and from the same date the Prisons' Act, XXVI of 1870, shall be in force throughout the said territories

Act XXVI of 1870 to be in force

3 Until the appointment of an Inspector General, his powers under Act XXVI of 1870 shall be exercised by the Chief Commissioner

Inspector General

4 This Regulation may be called "The Assam Prisons Regulation, 1875."

Short title

REGULATION No. III OF 1875.

A Regulation to authorize the punishment of whipping in certain Hill Districts of Assam.

(*Published in the Gazette of India of 28th of August, 1875, p. 429, and in the Assam Gazette of 11th of September, 1875, p. 497.*)

Preamble.

WHEREAS by Resolutions passed by the Secretary of State for India in Council on the 19th day of September, 1872, and 4th day of June, 1874, respectively, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to the territories under the administration of the Chief Commissioner of Assam;

and whereas the Chief Commissioner of Assam has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

and whereas the Governor General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*, and will be published in the *Assam Gazette*.

Short title.

1. This Regulation may be called "The Assam Hill Districts Whipping Regulation, 1875;"

Local extent.

It extends to the following districts, namely,—

The Gáro Hills,

The Khási and Jaintiá Hills, and

The Nágá Hills:

Commencement.

And it shall come into force on the day of its publication in the *Assam Gazette*.

Offences punishable with whipping in lieu of other punishment.

2. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the rules made by the Governor General in Council in exercise of the power conferred by section five of the Gáro Hills Act, 1869:—

a.—Theft, as defined in section 378 of the Indian Penal Code.

b.—Theft in a building, tent or vessel, as defined in section 380 of the said Code.

c.—Theft by a clerk or servant, as defined in section 381 of the said Code.

d.—Theft after preparation for causing death or hurt, as defined in section 382 of the said Code.

e.—Extortion by threat, as defined in section 388 of the said Code.

f.—Putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code.

g.—Dishonestly receiving stolen property, as defined in section 411 of the said Code.

h.—Dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code.

i.—Lurking house-trespass or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.

j.—Lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

On second conviction of any offence mentioned in last section, whipping may be substituted for or added to other punishment.

3. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence, or of any other of the said offences, may be punished with whipping in lieu of, or in addition to, any other punishment to which he may be liable under the said Rules.

On second conviction of any offence mentioned in this section, whipping may be added to other punishment.

4. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, or of any other of the following offences, may be punished with whipping in addition to any other punishment to which he may be liable under the said Rules, that is to say:—

a.—Giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code.

b.—Giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code.

c.—Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in section 195 of the said Code.

d.—Falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code.

e.—Assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in section 354 of the said Code.

f.—Rape, as defined in section 375 of the said Code.

g.—Unnatural offences, as defined in section 377 of the said Code.

h.—Robbery or dacoity, as defined in sections 390 and 391 of the said Code.

i.—Attempting to commit robbery, as defined in section 393 of the said Code.

j.—Voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code.

k.—Habitually receiving or dealing in stolen property, as defined in section 413 of the said Code.

l.—Forgery, as defined in section 463 of the said Code.

m.—Forgery of a document, as defined in section 466 of the said Code.

n.—Forgery of a document, as defined in section 467 of the said Code.

o.—Forgery for the purpose of cheating, as defined in section 468 of the said Code.

p.—Forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code.

q.—Lurking house-trespass or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.

r.—Lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

Juvenile offenders punishable with whipping for offences not punishable with death. Exemption of females, &c.

5. Any juvenile offender who commits any offence which is not by the said Rules punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of any other punishment to which he may for such offence be liable under the said Rules.

6. No female shall be punished with whipping, nor shall any person who may be sentenced to death, or to imprisonment for more than five years, be punished with whipping.

Officers empowered to pass sentences of whipping.

7. The Deputy Commissioners of the Gáro hills and the Khási and Jaintiá hills and the Political Agent for the Nága hills may pass sentences of whipping.

No other officer shall pass such sentences unless he is specially empowered to do so by the Chief Commissioner.

Mode of inflicting the punishment.

8. In the case of a person of or over sixteen years of age, the punishment of whipping shall be inflicted with such instrument, in such mode, and on such part of the person, as the Chief Commissioner directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school discipline with a light ratan.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or, if the ratan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Magistrate or a Superintendent of a Jail, and also, unless the Court which passed the sentence otherwise orders, in the presence of a medical officer.

9. No sentence of whipping shall be carried into execution unless a medical officer, if present, certifies, or, if there is not a medical officer present, unless it appears to the Magistrate or Superintendent present, that the offender is in a fit state of health to undergo the punishment. Punishment not to be inflicted if offender not in fit state of health.

If, during the execution of a sentence of whipping, a medical officer certifies, or it appears to the Magistrate or Superintendent present, that the offender is not in a fit state of health to undergo the remainder of the punishment, the whipping shall be finally stopped. Stay of execution.

No sentence of whipping shall be executed by instalments. Not to be executed by instalments.

10. In any case in which, under section nine of this Regulation, a sentence of whipping is, wholly or partially, prevented from being carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either order the discharge of such offender, or sentence him, in lieu of whipping, or in lieu of so much of the sentence of whipping as was not carried out, to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence: Procedure if punishment cannot be inflicted under the last section.

Provided that the whole period of imprisonment to which such offender is sentenced shall not exceed that to which he is liable by law; or that which the said Court is competent to award.

REGULATION No. IV OF 1875.

A Regulation for the realization of arrears in Government Estates in certain Districts of Assam.

(*Published in the Gazette of India of 16th of October, 1875, p. 530, and in the Assam Gazette of 30th of October, 1875, p. 559.*)

WHEREAS it is expedient to amend Bengal Act No. VII of 1868 (*to make further provision for the recovery of arrears of Land-revenue and public demands recoverable as arrears of Land-revenue*), and to provide for the summary realization of arrears of revenue or rent due from raiyats and other persons holding non-transferable interests in land in estates managed by the Government in the Districts of Silhat and Goálpára; It is enacted as follows:— Preamble.

1. This Regulation extends only to the Districts of Silhat and Goálpára: Local extent.

And it shall come into force on being published in the *Gazette of India* and in the *Assam Gazette* as required by the thirty-third of Victoria, chapter 3, section 1. Commencement.

Addition to section 1 of Bengal Act VII of 1868.

2. To section one of the said Act No. VII of 1868, the following clauses shall be added, (namely) ;—

"Any arrears of revenue or rent payable to the Government from any raiyat, or from any person holding any interest in land, pasturage, forest-rights, fisheries, and the like, which, by the terms of the contract creating the same, or by the custom of the country, is not transferable.

"Any arrears of rent payable to a Collector in charge of an estate or tenure on behalf of a private person from any raiyat, or from any person holding any interest in land, pasturage, forest-rights, fisheries, and the like, direct from such Collector."

REGULATION No. I OF 1876.

A Regulation for the peace and government of the Gáro Hills District.

(*Published in the Gazette of India of 4th of March, 1876, p. 121, and in the Assam Gazette of 11th of March, 1876, p. 157.*)

Preamble

WHEREAS it is expedient to repeal Regulation No. V of 1873 (*a Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal*) in the Gáro Hills District, and to provide for the peace and government of the said district in the manner hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Regulation may be called "The Gáro Hills Regulation, 1876":

Local extent.

It extends only to the Gáro Hills District ;

Commencement and continuance

It shall come into operation on the first day of April, 1876, and shall continue in force to the 31st day of March, 1881, inclusive :

Provided that, before the expiration of the said period, the Chief Commissioner may, with the previous sanction of the Governor General in Council, by notification in the *Assam Gazette*, extend its operation to a further period to be specified in the said notification.

Repeal of Regulation V of 1873.

2. On and from the day first mentioned, the said Regulation No. V of 1873 shall be repealed, but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced, prior to that day.

Power to the Chief Commissioner—

3. The Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, by notification in the *Assam Gazette*,—

to prohibit certain acts,

(*a*) prohibit all or any persons not being natives of the Gáro Hills

District, from doing any of the following acts within the limits of the said district without a license, that is to say,—

cutting wood,
hunting animals,
trading in arms or ammunition,
collecting wax, ivory, india-rubber or other jungle products,
practising inoculation for the small-pox, and

(*b*) prescribe the conditions and restrictions subject to which, and the amount of the fees on payment of which, and the persons by whom, licenses to do any of the said acts may be granted.

to regulate the granting of licenses to do such acts.

4. Any person who does any act in contravention of a notification issued under section three of this Regulation,

Penalties for offences against section 3.

and any holder of a license under the said section who does any act in contravention of a restriction or condition imposed by such license,

shall be punished for a first offence with a fine not exceeding one hundred rupees, and for each subsequent offence with imprisonment of either description for a term which may extend three months, or with a fine not exceeding five hundred rupees, or with both;

and the Magistrate by whom he is convicted may further order that all animals or carcases of animals, all arms and ammunition, and all wood, wax, ivory, india-rubber or other jungle product found in his possession, and all animals, ropes, nets, guns or other instruments used by him in the commission of such offence, shall be confiscated.

5. It shall not be lawful for any British subject or other person not being a native of the Gáro Hills District, to acquire any interest in land or the product of land within the limits of the said district without the sanction of the Chief Commissioner, or of such officer as the Chief Commissioner may appoint in this behalf.

Acquisition in of interests land prohibited.

Any interest so acquired may be dealt with as the Chief Commissioner or the said officer may direct.

The Chief Commissioner may, from time to time by notification in the *Assam Gazette*, extend the prohibition contained in this section to any class of persons, natives of the said district, and may from time to time in like manner cancel or vary such extension.

6-8.—[*Repealed by Regulation 1 of 1880.*]

9. The provisions of sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to all fines imposed under the authority of this Regulation.

Realization of fines and imprisonment in default of payment.

10. The jurisdiction in respect of offences against this Regulation shall be exercised by such officers, and subject to such conditions, as the Chief Com-

Jurisdiction.

missioner may from time to time, by notification in the *Assam Gazette*, direct.

REGULATION No. IV OF 1877.

A Regulation for extending to the Chief Commissionership of Assam, Chapter 13 of Bengal Act VII of 1873.

(*Published in the Gazette of India of 15th of December, 1877, p. 725, and in the Assam Gazette of 22nd of December, 1877, p. 467.*)

Preamble.

WHEREAS it is expedient to authorize the Chief Commissioner of Assam to apply specially the provisions of Chapter 13 of Bengal Act No. VII of 1873 to any particular class of labourers in the territories administered by the Chief Commissioner of Assam, among whom an excessive mortality may have occurred; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called "The Assam Emigration Regulation, 1877:"

Local extent

It extends to the whole of the territories under the administration of the Chief Commissioner of Assam;

Commencement.

And it shall come into force on the date on which it is published in the *Assam Gazette*.

Chapter 13 of Bengal Act VII of 1873 may be extended to certain classes of labourers

2. The said Chief Commissioner may, by notification in the *Assam Gazette*, extend the provisions of Chapter 13 of the said Act, modified as hereinafter mentioned, to labourers of any particular class, or to labourers imported from any particular place or district.

For the words "Lieutenant-Governor," wherever they occur in section 119 of the said Act, the words "Chief Commissioner of Assam" shall be substituted.

REGULATION No. I OF 1878.

A Regulation to remove doubts as to the boundary between the Gáro Hills and the District of Goálpára.

(*Published in the Gazette of India of 4th of January, 1879, p. 1, and in the Assam Gazette of 11th of January, 1879, p. 23.*)

Preamble

WHEREAS, in exercise of the power conferred by section ten of Act No. XXII of 1869 (*to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes*), the boundary between the territory known as the Gáro Hills and the District of

Goálpára was determined and a notification describing the same was published in the *Assam Gazette* of the fourteenth day of August, 1875; and whereas doubts have arisen whether such boundary was laid down in accordance with the provisions of section ten of the said Act, and it is expedient to remove such doubts, and to validate such boundary; It is hereby enacted as follows:—

1. This Regulation may be called "The Gáro Hills and Goálpára Boundary Regulation, 1878:" Short title.

and it shall come into force at once. Commencement.

2. The said boundary between the territory known as the Gáro Hills and the District of Goálpára, described in the said notification published in the *Assam Gazette* of the fourteenth day of August, 1875, shall, for all purposes whatsoever, be deemed to be, and to have been on and after the said fourteenth day of August, 1875, a boundary laid down between the territory known as the Gáro Hills and the District of Goálpára in accordance with the provisions of section ten of Act No. XXII of 1869. Boundary declared to have been determined in accordance with Act XXII of 1869.

REGULATION No. III OF 1879.

The Assam Local Rates Regulation, 1879.

(Published in the Gazette of India of 1st of November, 1879, p. 705, and in the Assam Gazette of 20th of December, 1879, p. 713.) *

WHEREAS it is expedient to provide in the territories under the administration of the Chief Commissioner of Assam for the levy of land of rates to be applied to defray the expenditure incurred and to be incurred for the relief and prevention of famine and to local purposes; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called "The Assam Local Rates Regulation, 1879": Short title.

It extends only to the territories administered by the Chief Commissioner of Assam; Local extent.

and it shall come into force in such districts, or such parts thereof, and on such dates, as the Chief Commissioner may, by notification in the *Assam Gazette*, from time to time direct. Commencement.

2. In this Regulation— Interpretation-clause.

(1) "land" means land, whether covered with water or not, which is, or in the absence of some express exemption would be, assessable to land-revenue; "Land."

(2) "landholder," in the case of land assessed to land-revenue, means any person responsible for the payment of the revenue assessed on such land, and, "Landholder."

in the case of land not so assessed, any person who, if such land were assessed to land-revenue, would be responsible for the payment of the revenue assessed thereon;

"Tenant"

(3) "tenant" means any person holding land from a landholder and liable to pay or deliver rent therefor;

"The permanently-settled portion of Silhat."
"The permanently-settled portion of Goálpára."

(4) "the permanently-settled portion of Silhat" means the whole of that district except the Jantiá parganas; and "the permanently-settled portion of Goálpára" means the whole of that district except the Bhután Dvárs;

"Annual value."

(5) "annual value," used in respect of any land, means the following (that is to say):—

(*a*) where such land is liable to be periodically re-settled at full rates,—the land-revenue for the time being assessed on such land;

(*b*) where such land is situate in any place other than the permanently-settled portions of Silhat and Goálpára, and the land-revenue of such land has been wholly or in part released, compounded for, redeemed or assigned,—twice the land-revenue which at the current rates of the district for temporarily-settled estates would be assessable on the cultivated portion of such land, less by any reduced revenue payable thereon;

(*c*) where such land has been permanently-settled and is assessed to land-revenue,—two rupees for each acre of such land;

(*d*) where such land is situate in the permanently-settled portions of Silhat and Goálpára and the land-revenue on such land has been permanently released, compounded for, redeemed or assigned,—two rupees for each acre of such land, together with a sum for each such acre equal to the average rate of incidence per acre of the land-revenue assessed on the recorded area of the permanently-settled land within the same pargána:

Provided that when any land to be valued under sub-clause (*c*) or sub-clause (*d*) exceeds four hundred acres in area or is assessed to land-revenue at not less than one hundred rupees, and any portion of such land has not been cultivated for three years, the annual value of such portion shall not be deemed to exceed the annual profits derived by the landholder from the same:

Provided also that when any land has been acquired under a grant or lease made in accordance with any rules issued by, or under the authority of, Government for the grant or lease of waste-lands for the cultivation of tea, coffee or cinchona, the annual value shall be ascertained in the following way (that is to say):—

if the grant or lease has been made under the rules for the lease of waste-lands in force at the date of the passing of this Regulation, the revenue pay-

able under the conditions of the grant or lease shall be deemed to be the annual value of such land;

if the grant or lease has been made under any other rules previously in force for the grant or lease of waste-lands, it shall be ascertained what would have been the revenue payable at the time of assessment if at the date of making the grant or lease the rules now in force for the grant or lease of waste-lands had been in force, and such revenue shall be deemed to be the annual value of such land;

or in either of the above cases, if the landholder prefers it, the land actually under cultivation within the boundaries of the area granted or leased during the year previous to the assessment of rates under this Regulation shall be assessed as if it were land paying full rates of land-revenue, and such assessment shall be deemed to be the annual value for the purposes of this Regulation.

This proviso shall not apply to land sold under any rules issued by, or with the authority of, Government for the sale of waste-lands revenue-free, or to any lands leased under any rules for the lease of waste-lands of which the revenue payable under the lease has been subsequently commuted, redeemed or compounded for.

Rates assessable.

3. All land shall be liable to the payment of such rate, in addition to the land-revenue and local cesses (if any) assessed thereon, as the Chief Commissioner from time to time directs, not exceeding one anna four pies for every rupee of the annual value of such land.

Effect of imposition of land-rate on cess now leviable.

4. When a rate is imposed on any land under this Regulation, any cess now leviable on such land for any of the purposes mentioned in section twelve shall cease to be levied on such land; or, if such cess be maintained, a corresponding diminution shall be made in such rate.

Recovery of rate.

5. All sums due on account of a rate imposed on any land under this Regulation shall be payable by the landholder, and shall be recoverable as if they were arrears of land-revenue due on such land.

When such land is held by two or more landholders, such landholders shall be jointly and severally liable for such sums.

Explanation.—Sums recoverable under this section in districts where Bengal Act No. VII of 1868 is in force are recoverable not only in the mode in which demands as defined in that Act are recoverable, but also in any other mode in which land-revenue is recoverable.

Powers of Chief Commissioner.

6. The Chief Commissioner may from time to time, by notification in the *Assam Gazette*—

(*a*) appoint officers to assess and collect any rate under this Regulation, and make rules for the guidance of such officers in assessing or collecting such rate;

(*b*) prescribe by what instalments and at what times such rate shall be payable; and

(*c*) exempt any land from liability to pay the whole or any part of such rate.

Landholders required to furnish information.

7. All landholders shall, on the requisition of any officer appointed under the preceding section to assess and collect a rate, furnish such information as they may be called upon by him to supply regarding the area and class of the land held by them, the extent of such land under cultivation and the crops grown, and all other information necessary to enable him to determine the annual value of such land as defined in section two.

In case of default or refusal to supply such information when required, or if the officer appointed as aforesaid has reason to doubt the correctness of the information supplied, such officer may, personally or by means of his subordinates, carry out any enquiry on the land which may be necessary, and make any surveys which he may deem essential to the obtaining of such information; and the cost of such enquiry and surveys shall be borne by the landholder in all cases of default or refusal, and, when such enquiry is undertaken in consequence of doubt as to the correctness of the information supplied, if the enquiry and survey made show the information supplied to have been incorrect.

Appeals.

8. An appeal from the order of any officer appointed under section six to assess or collect a rate shall lie to the Chief Commissioner, or to such person as the Chief Commissioner may appoint in this behalf.

The order passed on any such appeal by the Chief Commissioner, or the person so appointed, shall be final.

Limitation of such appeals

9. The period of limitation for an appeal under section eight shall be thirty days from the date of the order appealed against.

In computing such period, and in all respects not herein specified, the limitation of such appeals shall be governed by the Indian Limitation Act, 1877.

Costs of assessment recoverable from landholders in certain cases.

10. When in the course of any assessment under this Regulation any landholder claims to have the annual value of any land held by him limited in the manner prescribed by the first proviso to the fifth clause of section two, the cost of any measurement or local enquiry necessary for the determination of such claim shall be borne by such landholder, and the amount thereof may be recovered from him as if it were an arrear of revenue due in respect of such land.

Rates to be credited to General Fund.

11. The proceeds of all rates levied under this Regulation shall be carried to the credit of a General Provincial Fund.

Appropriation for increasing revenues

12. (*a*). From such fund the Chief Commissioner, after paying the expenses incurred in carrying out the provisions of this Regulation, shall, if the Governor General in Council so directs in any year, appropriate such amount not

exceeding one-fourth of the proceeds of the rates assessed in such year under this Regulation as the Governor General in Council may direct for the purpose of increasing the revenues available for defraying expenditure incurred or to be incurred for the relief and prevention of famine in the said territories, or, if the Governor General in Council so directs, in any other part of British India. available for famine-purposes.

(*b*). The Chief Commissioner may, from time to time, with the previous sanction of the Governor General in Council, assign from such fund such amount as he thinks fit, to be applied in payment of charges incurred or to be incurred on account of such works and undertakings as he may declare to be works of general provincial utility: Assignment for works of provincial utility.

Provided that the amount so assigned in any year shall not exceed three-eighths of the proceeds of the rates assessed in such year.

(*c*). Subject to such appropriation, the Chief Commissioner shall, from time to time, allot from the said fund such amount as he thinks fit, to be applied in each district for expenditure on all or any of the following purposes: Allotment for local improvements.

(1) the construction, repair and maintenance of roads and other communications, and the improvement of river-channels;

(2) the maintenance of the district-post;

(3) the construction and repair of school-houses, the maintenance and inspection of schools, the training of teachers and the establishment of scholarships;

(4) the construction and repair of hospitals, dispensaries, lunatic asylums, markets, wells, tanks, rest-houses for travellers and any other local works likely to promote the public health, comfort or convenience, and the payment of all charges connected with the purposes for which such works have been constructed:

Provided that the amounts so allotted in any year for any district shall not be less than three-eighths of the proceeds of the rate assessed in such district in such year.

13. Any portion of such allotment remaining unexpended at the end of the year in which the allotment was made may, at the discretion of the Chief Commissioner, be re-allotted for expenditure in the same district, or may be applied for the benefit of the Province of Assam in such manner as the Chief Commissioner from time to time directs. Unexpended portion of allotment.

14. The Chief Commissioner shall establish in each district a District Committee, consisting of not less than six persons, for the purpose of determining how the amount allotted for such district under section twelve shall be applied, and of supervising and controlling the expenditure of the same; and for the same purpose may, in addition to the District Committee, form as Local Committees.

many Branch Committees, consisting of not less than three persons each, as he may think fit, and shall define the portions of the district within which such Branch Committees shall exercise their functions.

Power of Chief Commissioner to make rules regarding Committees.

15. The Chief Commissioner may from time to time, by notification in the *Assam Gazette*, make rules to define the functions, authority and mode of proceeding of any Committee or Branch Committee so established, and to prescribe the manner in which the members of such Committees and Branch Committees shall be appointed or removed:

Provided that not less than one-third of the members of any such Committee shall be persons residing in the district and not in the service of the Government.

Accounts to be kept.

16. Accounts of the receipts in respect of all rates levied under this Regulation in any district, and of the allotments made to such district under section twelve, shall be kept in such district in such form as the Chief Commissioner may, from time to time, direct.

Such accounts shall, at all reasonable times, be open to the inspection of the members of the District Committee.

An abstract of such accounts shall be prepared annually in English and in the vernacular language of the district, and shall be open, at all reasonable times, to public inspection, at suitable places within the district, without the payment of any fee.

The English abstract of such accounts shall also be published in the *Assam Gazette*.

Power to recover share of rate from tenant.

17. When a rate is levied under this Regulation from a landholder in respect of any land under sub-clause (*a*), (*b*), (*c*) or (*d*) of clause (5) of section two, and such land is held by a tenant of such landholder at a rent less than the aggregate of the annual value of such land and the revenue (if any) payable in respect of the same, such landholder may realize from such tenant a part of such rate, bearing to the whole of such rate the same ratio as the excess of such aggregate above such rent bears to the annual value.

Illustrations.

(*a*). A is the holder of land of the description mentioned in sub-clause (*a*) of clause (5) of section 2, of which the land-revenue is Rs 100. The annual value is therefore Rs. 100, and the rate at one anna per rupee would be Rs. 6-4. The land is held by a tenant, B, at a rent of Rs. 150. Then 100 (200 — 150) = 50 : : Rs. 6-4 . Rs. 3-2. A may realize Rs. 3-2 from B.

(*b*). A is the holder of land of the description mentioned in sub-clause (*b*) of clause (5) of section 2, on which the land-revenue payable is Rs. 50 and on which the full land-revenue at current rates would be Rs. 100. The annual value is therefore Rs. 150, and the rate at one anna per rupee would be Rs. 9-6. The land is held by a tenant, B, at a rent of Rs. 150. Then 150 . (200—150)=50 . . Rs. 96 Rs. 3-2. A may realize Rs. 3-2 from B.

(*c*). A is the holder of one hundred acres of land of the description mentioned in sub-clause (*c*) of clause (5) of section 2. The annual value of such land is therefore Rs. 200, and the rate at one anna per rupee would be Rs. 12-8. The revenue assessed on the land is Rs. 50. The land is held by a tenant, B, at a rent of Rs 100. Then Rs. 200 : (250 — 100) = 150 : : Rs. 12-8 Rs. 9-6. A may realize Rs 9-6 from B.

(*d*). A is the holder of one hundred acres of land of the description mentioned in sub-clause (*d*) of clause (5) of section 2. The average rate of incidence per acre of the land-revenue in other permanently-settled land in the same pargana is eight annas. The annual value of such land is therefore Rs. 250, and the rate at one anna per rupee would be Rs. 15-10. The land is held by a tenant, B, at a rent of Rs. 125. Then 250 : (250 — 125) = 125 : : Rs. 15-10 : Rs. 7-13. A may realize Rs. 7-13 from B.

Suits regarding rate cognizable by Courts having cognizance of suits for rent.

18. Suits for the recovery from co-sharers, tenants or others of any sum on account of a rate imposed on any land under this Regulation, and suits on account of illegal exaction of such rate or for the settlement of accounts of such rate, shall be cognizable by the Courts which, under the law for the time being in force, have cognizance of suits for rent due on such land, and by no other Courts.

REGULATION No. I OF 1880.

A Regulation to repeal parts of Regulations V of 1873 and I of 1876.

(*Published in the Gazette of India of 24th of January, 1880, p. 65, and in the Assam Gazette of 31st of January, 1880, p. 76.*)

Preamble.

WHEREAS it is expedient to extend the Elephants Preservation Act, 1879, to certain districts in the territories administered by the Chief Commissioner of Assam in which Regulation No. V of 1873 (*A Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal*) is in force, and also to the portion of the said territories known as the Gáro Hills District in which Regulation No. I of 1876 (*A Regulation for the peace and government of the Gáro Hills District*) is in force;

and whereas by sections eight to ten of the former Regulation and sections six to eight of the latter Regulation certain rules are laid down with regard to the killing and capturing of wild elephants;

and whereas it is expedient that, on the extension of the said Elephants Preservation Act, 1879, the said sections of Regulation No. V of 1873 and Regulation No. I of 1876, respectively, should be repealed; It is hereby enacted as follows:—

Repeal of sections 8 to 10 of Regulation V of 1873, and

1. Whenever the said Elephants Preservation Act, 1879, is extended to any portion of the said territories in which the said Regulation No. V of 1873 or the said Regulation No. I of 1876 is in force, sections eight to ten (both

sections 6 to 8 of Regulation I of 1876.

inclusive) of the said Regulation No. V of 1873 or sections six to eight (both inclusive) of the said Regulation No. I of 1876, as the case may be, shall be repealed :

Provided—

Saving of existing licences to kill or capture.

(*a*) that every license to kill or capture elephants issued under the said sections and in force in any portion of the said territories at the time when the said Elephants Preservation Act, 1879, is extended to such portion of territory, shall be deemed to have been granted under that Act; and

Saving of things done, &c.

(*b*) that nothing herein contained shall affect anything done or any offence committed or any fine or penalty incurred or any proceedings commenced before this Regulation comes into force.

REGULATION No. II of 1880.

The Assam Frontier-Tracts Regulation, 1880.

(*Published in the Gazette of India of 24th of January, 1880, p. 66, and in the Assam Gazette of 31st of January, 1880, p. 76.*)

Preamble.

WHEREAS it is expedient to provide for the removal of certain frontier-tracts in Assam inhabited or frequented by barbarous or semi-civilised tribes from the operation of enactments in force therein; It is hereby enacted as follows :—

Short title.

1. This Regulation may be called "The Assam Frontier-Tracts Regulation, 1880 :"

Local extent.

It extends to such frontier-tracts within the territories administered by the Chief Commissioner of Assam as the Governor General in Council may, by notification in the *Gazette of India*, from time to time direct;

Commencement.

and it shall come into force in each of such tracts on such day as the Governor General in Council in like manner directs in this behalf.

Every notification extending this Regulation to any tract shall specify the boundaries by which such tract is separated from the adjoining territory in British India.

Power to direct that enactment shall cease to be in force.

2. When this Regulation has been extended in manner hereinbefore prescribed to any tract, the Chief Commissioner may from time to time, with the previous sanction of the Governor General in Council, by notification in the local Gazette, direct that any enactment in force in such tract shall cease to be in force therein, but not so as to affect the criminal jurisdiction of any Court over European British subjects.

Settlement of question as to boundary.

3. Whenever any question arises as to the line of boundary between any tract to which the provisions of this Regulation have been extended as aforesaid

and the adjoining territory in British India, such officer as the Chief Commissioner of Assam from time to time appoints may consider and determine such line of boundary; and the order made thereon by such officer, if confirmed by the said Chief Commissioner, shall be conclusive.

REGULATION No. III OF 1881.

The Chittagong Hill Tracts Frontier Police Regulation, 1881.

(*Published in the Gazette of India of 3rd of December, 1881, and in the Calcutta Gazette of 7th of December, 1881.*)

Preamble.

WHEREAS the Frontier Police of the Hill Tracts of Chittagong enrolled under Act No. V of 1861 (*for the regulation of Police*) perform services of a quasi-military character; and whereas the provisions of the said Act, and the orders and rules framed under section twelve thereof, have been found insufficient for the maintenance of discipline among such Police, and it is therefore expedient to make further provision for the maintenance of discipline among them; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called "The Chittagong Hill Tracts Frontier Police Regulation, 1881":

Local extent.

It applies to all persons now or hereafter appointed under the said Act No. V of 1861 to be Frontier Police-officers and posted to the Hill Tracts of Chittagong;

Commencement.

and it shall come into force at once.

Interpretation-clause.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"active service"; "active service" means service at the frontier outposts, or against hostile tribes or other persons in the field;

"Deputy Commissioner" and "District Superintendent"; "Deputy Commissioner" and "District Superintendent" mean the Deputy Commissioner of the Hill Tracts of Chittagong and the District Superintendent of Police within the same tracts, respectively; and

"reason to believe," "criminal force," "assault" and "fraudulently." the expressions "reason to believe," "criminal force," "assault" and "fraudulently" have the meanings assigned to them respectively in the Indian Penal Code.

More heinous offences.

3. Any person subject to this Regulation, not being above the rank of subahdár, who—

(*a*) begins, excites, causes or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to

suppress the same, or, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, does not without delay give information thereof to his commanding or other superior officer; or

(*b*) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, whether on or off duty, under any circumstances in which the superior officer is distinguishable as such in any manner; or

(*c*) shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend; or

(*d*) directly or indirectly holds correspondence with, or assists or relieves, any persons in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; and

any such person who, while on active service,—

(*e*) disobeys the lawful command of his superior officer; or

(*f*) deserts the service; or,

(*g*) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(*h*) without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or

(*i*) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(*j*) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any field, garden or other property of any kind; or

(*k*) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment, with or without hard labour, for a term which may extend to fourteen years.

Less heinous offences.

4. Any person subject to this Regulation, not being above the rank of subahdár, who—

(*a*) is in a state of intoxication when on or for any duty, or on parade or on the line of march; or

(*b*) strikes or attempts to force any sentry; or

(*c*) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or

(*d*) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(*e*) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(*f*) refuses to superintend or assist in the making of any field-work or other military work of any description ordered to be made either in quarters or in the field; or

(*g*) strikes or otherwise ill-uses any person subject to this Regulation being his subordinate in rank or position; or

(*h*) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails to have due reparation made to the injured person, or to report the case to the proper authority; or

(*i*) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or regimental necessaries, or any such articles entrusted to him or belonging to any other person; or

(*j*) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or

(*k*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; and

any such person who, while not on active service,—

(*l*) disobeys the lawful orders of his superior officer; or

(*m*) plunders, destroys or damages any field, garden or other property; or

(*n*) being a sentry, sleeps upon his post, or quits it without being regularly relieved, or without leave;

shall be punished with imprisonment, with or without hard labour, which may extend to one year.

Corporal punishment.

5. Any person subject to this Regulation, not being above the rank of havildár, who, while on active service, commits any of the offences specified in section three, or in section four, clauses (*a*) to (*k*), both inclusive, may, in lieu of or in addition to any punishment to which he is liable under those sections, be punished with whipping.

In no case, if the cat-of-nine tails be the instrument employed, shall the punishment of whipping exceed fifty lashes, or, if the ratan be employed, shall the punishment exceed thirty stripes.

Minor punishments.

6. In addition to the powers conferred upon them by the rules made under section twelve of the said Act No. V of 1861, the Deputy Commissioner, the District Superintendent, or an Assistant District Superintendent of Police in command of a detachment, may, without a formal trial, award to any person subject to his authority and to whom this Act applies the following punish-

ments for the commission of petty offences against discipline which are not otherwise provided for or which are not of a sufficiently serious nature to call for a prosecution before a criminal Court (that is to say) :—

(*a*) imprisonment to the extent of seven days in the quarter-guard, or such other place in or near the lines as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

(*b*) punishment-drill, extra guard, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to lines.

Any of these punishments may be awarded separately or in combination with the others.

Where person sentenced to imprisonment to be confined.

7. Any person sentenced under this Regulation to imprisonment for a period not exceeding three months shall, when also dismissed the service, be imprisoned in the nearest jail; but, when not also dismissed the service, he may, at the discretion of the convicting officer, subject to revision by the Deputy Commissioner, be confined in the quarter-guard or such other place as such officer may consider suitable.

Prosecutions, &c., under other enactments.

8. Nothing in this Regulation shall prevent any person from being prosecuted under the said Act No. V of 1861 or any order or rule framed thereunder, or under any other enactment for the time being in force, for any act or omission punishable hereunder, or from being liable under any other enactment to any other or higher penalty than is provided for such act or omission by this Regulation :

Provided that no person shall be punished twice for the same offence.

Magisterial powers of Police-officers.

9. Nothing contained in the said Act No. V of 1861 shall be deemed to prevent the Local Government from investing any Police-officer with the powers of a Magistrate for the purpose of inquiring into or trying any offence committed by a Police-officer and punishable under the said Act or this Regulation.

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